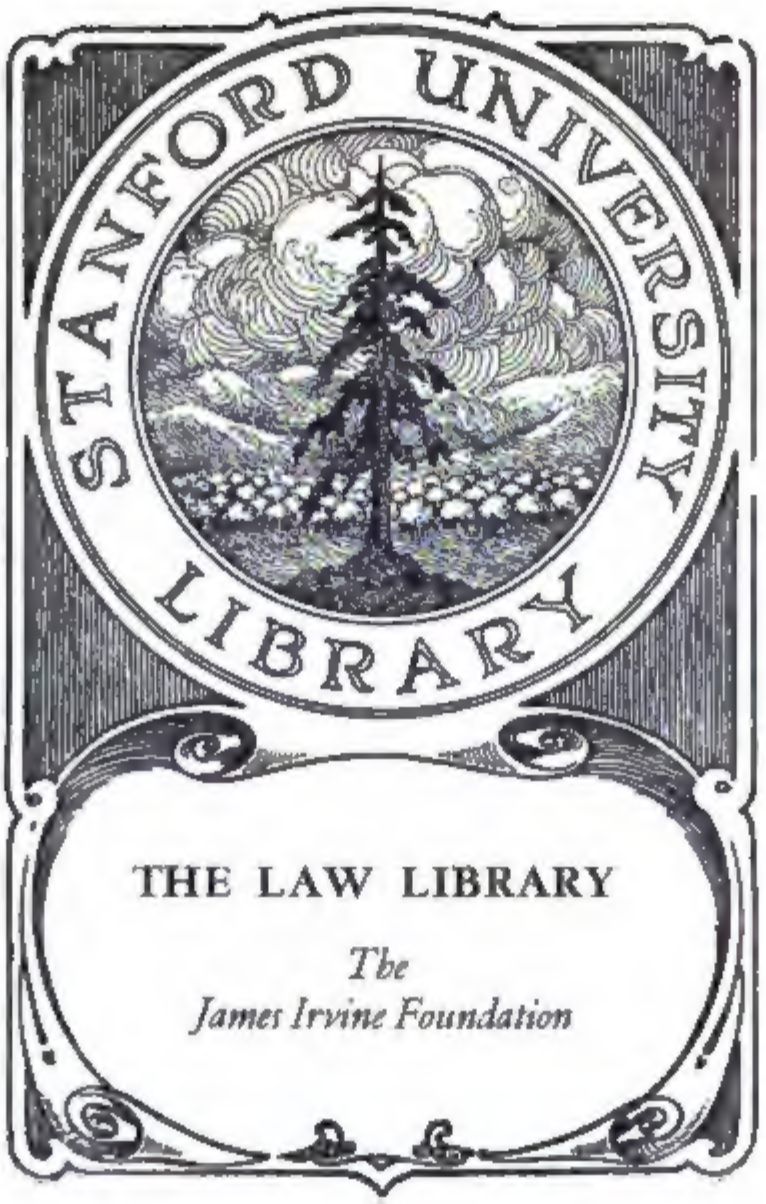
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A COMPLETE

SYSTEM OF PLEADING:

COMPREHENDING THE MOST

APPROVED PRECEDENTS and FORMS of PRACTICE;

CHIEFLY CONSISTING OF

SUCH AS HAVE NEVER BEFORE BEEN PRINTED:

WITH AN

INDEX to the PRINCIPAL WORK,

INCORPORATING AND MAKING IT A CONTINUATION OF

TOWNSHEND's and CORNWALL's TABLES,

TO THE PRESENT TIME;

AS WELL AS AN

INDEX of REFERENCE to all the ANCIENT and MODERN ENTRIES extant.

By JOHN WENTWORTH, Esq.

OF THE INNER TEMPLE, BARRISTER AT LAW.

——————Ne quæ Studio dispôsta fideli
Intellecta priusquam sint contempta relinquas. LUCRET.

VOL. IV.

AND THE FIRST OF THE CRIMINAL DIVISION.

CONTAINING

INDICTMENTS, INFORMATIONS, &c.

LONDON:

PRINTED FOR G. G. AND J. ROBINSON, PATERNOSTER-ROW.

1797.

THIS Volume, the Fourth of the Work and the Firſt of the Criminal Diviſion, contains *Indictments* and *Informations*. It was my original intention to have made theſe the ſubject of my Second Volume, and to have continued publiſhing a Volume of the Criminal part, alternately, with one of the Civil. The cauſes which have hitherto prevented me from adopting this plan aroſe from impediments thrown in my way by the perſon whom I firſt employed in the publication of this work, and are of too perſonal a nature to intereſt the public. The delay, however, has been ſo far fortunate, as it has enabled me to make this branch of the work more perfect, by the addition of many valuable precedents, which, in the meantime, have been kindly communicated to me.

BOTH in purſuance of my deſign, and in juſtice to the collections of Precedents already publiſhed, I have religiouſly abſtained from republiſhing any precedents before in print, and have contented myſelf

with referring to them in my INDEX. This, in particular, will account for the few precedents under the Head of Felonies being introduced into this Volume.

THE precedents for almoſt every deſcription of Felonies, whether at Common Law or by Statute, having been already given to the public in the Crown Circuit Companion and the Crown Circuit Aſſiſtant, eſpecially the laſt, ſo well and ſo fully, that the copiouſneſs of it becomes its leaſt merit, when conſidered with its correctneſs and preciſion. I cannot but think, however, that the arrangement of the Precedents and the Index to both of thoſe Collections are capable of ſome little improvement; and have therefore digeſted them in the Index to my own Precedents, having made ſuch alterations and additions as occurred to me, on a careful peruſal, to be neceſſary. Offences, ſuch as killing a fiſh in a gentleman's pond in his park, being found for a month together in company with Egyptians (*a*) and others of this deſcription, not clergyable (ſome of which are ſtill ſuffered to ſtain our ſtatute-book), I have altogether omitted, and truſt, that in ſo doing, I ſhall be thought to have conſulted the credit and intereſt of my profeſſion.

(*a*) The ſtatute creating this offence has lately been repealed.

THE

THE Fourth and Sixth Volumes, then, of my general Work, or what may be considered as the First and Second Volumes of the Criminal Division, will contain, chiefly, precedents for INDICTMENTS for MISDEMEANORS; 2dly, INFORMATIONS, and herein more particularly such as relate to the EXCISE and CUSTOMS; 3dly, CONVICTIONS, &c. and PROCEEDINGS before JUSTICES of the Peace. In this distribution I have observed the original method I prescribed to myself, and at the same time marshalled the different offences under their proper heads, after Mr. SERJEANT HAWKINS's admirable Analysis, by a complete Index, as well of the precedents contained in this work, as of all others to be met with in the Reporters, and more particularly those books of precedents the Crown Circuit Companion and Crown Circuit Assistant.

IT remains for me to add a word respecting the precedents now offered to the public. The far greater part of them are taken from the valuable manuscript collections of several eminent practitioners who have been most conversant in framing Indictments and Informations, and most consulted on Criminal Prosecutions; and as the names of those by whom they have been settled are subjoined to many of them, of the value of these precedents such names will be the best criterion. With respect to these I speak confi-

dently. The remainder have been ſelected out of a private collection of my own; but with what care and diſcrimination, and how far they are to be relied upon, I muſt leave, with proper humility, to the Profeſſion and to time, the common and final arbiter, to determine.

HERE I might cloſe: nor is it within the deſign or compaſs of theſe prefatory lines to enter upon a diſcuſſion concerning the abſtract nature of Criminal Law in general, or about the *reaſon* of our own in particular. This would require a treatiſe of itſelf. But as it is the faſhion to decry the criminal part of our Juriſprudence, and as the intereſt and *conſolation* of the Author are neceſſarily involved in the utility of the ſubject of his labours, he hopes it may be permitted to him, without being thought impertinent, to indulge himſelf in offering a few ſentiments that have preſented themſelves to him in a long courſe of reading and compiling. Contemplating, therefore, the many wholeſome precautions interpoſed by the Legiſlature in behalf of the life, liberty, and property of the ſubject, the coincidence in opinion of two juries, the aſſiſtance of counſel, the ſcrupulous nicety with which criminal charges muſt be ſtated, defined, and proved, and in caſes of hardſhip or the fallibility of proof, the power and inclination of the crown to mitigate or pardon,

I am

I am not prepared to agree in cafting any general cenſure upon the law of the land, which has thrown ſo many bulwarks of defence around us; but, on the contrary, admire the wiſdom of thoſe who from time to time have ſo modelled this inſtitution, that it ſhould be at once the mean of correction to the guilty, and of protection to the innocent. I am as free however to confeſs that to a *partial* obſerver, and to one who does not, as he reads, bear conſtantly in mind *the mode of its adminiſtration*, the imputation of barbariſm upon the Criminal Code muſt appear but too well deſerved. Independent of this conſideration, it is indeed a ſanguinary code, and begot in a ſpirit very wide of that diſpoſition to humanity which foreign hiſtorians, no leſs than our own, conceive to be the juſt and proud characteriſtic of the Britiſh people.

The cauſes of the diſproportion, in many inſtances, between the offence and the puniſhment with us, may be traced partly to the miſtaken notion, that crimes are beſt prevented by ſeverity; partly to abuſes and offences which once called for vigorous redreſs and exemplary penalties, that have now ceaſed to be formidable; and partly to the penal ſtatutes having grown up into their preſent bulk, juſt as the growing depravities attendant on national proſperity pointed out the neceſſity of them, and to their never

having been subjected at any time to a review which might balance and adjust them. *It is this revisal* which appears to me to be almost the only thing wanting to make our Criminal Code more perfect and less liable to objection; many of our neighbours on the continent have set an example of improving this important branch of Jurisprudence, and have derived innumerable practical advantages from it.

How much then is it to be desired (and here, I am certain, I speak the sentiments of the whole Profession) that there may be found, at no distant period, in the Senate, a temperate Legislator, both qualified and ambitious to undertake a task so momentous and delicate; one who shall add to professional accuracy the ampler views of the Statesman, who will remember with pleasure, that if much is to be cut off, *more is to be preserved*; who shall love to repair rather than rebuild, or impair the fabric by removing its foundation, nor yet be so tender of what he finds established as not to dare oppose the tyranny of custom (whether arisen from the causes alluded to, or the *practice of the administration of justice*, criminal *or civil)*, wherever it leads to consequences palpably *injurious* or absurd. Then it is that we may see erected in this kingdom, for the admiration of beholding nations and our own happi-

ness,

neſs, a Temple of Juſtice, no leſs venerable for its marks of antiquity, than dear to us from its accommodation to the preſent ſtate of our manners and of our improved notions, and above all the more durable; reſting on the firm and comely baſis of Reaſon and Humanity.

J. WENTWORTH,

Inner Temple,
September 1797.

INDICTMENTS.

HIGH TREASON.

REX
against
FRANCIS HENRY DELAMOTTE.

Indictment against the defendant for high treason, in carrying on a treasonable correspondence with an enemy.

MIDDLESEX. The jurors of our lord the king upon their oath present, that an open and public war, on the eleventh day of January, in the twentieth year of the reign of our sovereign lord George the Third, by the grace of God, &c. and long, and ever since hitherto, by land and sea, was, and is yet, carried on and prosecuted by Louis the French king against our most serene, illustrious, and excellent prince our said lord the king, and that one Francis Henry Delamotte, late of the parish of St. George, Hanover-square, in the county of Middlesex, gentleman, a subject of our said lord the king of the kingdom of Great Britain, well knowing the premises, and not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, as a false traitor against our most serene, illustrious, and excellent prince George the Third, now king of Great Britain, &c. and contriving, and with all his strength intending the peace and tranquillity of this kingdom of Great Britain to disquiet, molest, and disturb, and the government of our said present sovereign lord the king of this kingdom of Great Britain to change, subvert, and alter, and our said lord the king from the royal state, title, honour, power, imperial crown and government of this kingdom of Great Britain to depose and deprive, our said lord the present king to death and final destruction to bring, and to put the faithful subjects of our said lord and the freemen of this kingdom to bring into the most miserable servitude and slavery under the French king, he the said defendant, on the said eleventh day of January, in the said twentieth year of the reign of our said lord the king, and on divers other days and times as well before as after that day, with force and arms, at the said parish of Saint George, Hanover-square, in the said county of Middlesex, falsely, wickedly, and traitorously did compass, imagine, and intend our said present sovereign lord the king of and from the royal state, crown, title, power, and government of this realm of Great Britain to depose and wholly deprive, and the same lord the king to kill and bring and put to death; and to fulfil and perfect, and bring to effect,

his ſaid moſt wicked and evil treaſon, compaſſings, and imaginations aforeſaid, he the ſaid defendant, as ſuch falſe traitor, during the war aforeſaid, falſely, wickedly, and traitorouſly did compoſe and write, and cauſed to be compoſed and written, divers letters and inſtructions in writing to ſhew and inform the ſaid French king of the ſtate, condition, and force of ſeveral of the ſhips of war of our ſaid lord the king, and the number of the ſhips and forces of our ſaid lord the king then and there deſigned and prepared for the defence of this kingdom, and the enemies of the ſaid realm to attack, repel, and reſiſt, and how ſome of the ſhips of our ſaid lord the king were manned, and for what time divers ſhips of war of our ſaid lord the king were furniſhed with proviſions, and of the ſtations of divers ſquadrons of ſhips of war of our ſaid lord the king employed in carrying on and proſecuting the ſaid war, and the names of the commanders of ſuch ſquadrons, and the number and force of the ſhips of war of which ſuch ſquadrons conſiſted, and alſo of the ſervice on which divers other ſhips of war of our ſaid lord the king were then employed in proſecuting and carrying on the ſaid war, and alſo the number and force of the ſhips of war of our ſaid lord the king within certain parts of this kingdom, and of the ſtate and condition of ſeveral of the ſaid ſhips, and of the number of the land-forces of our ſaid lord the king in this realm, and the dominions thereunto belonging, and of the times of the ſailing of divers ſhips of war of our ſaid lord the king, and the deſtination of the ſaid ſhips, and the ſervices on which ſuch ſhips were employed, and of the times when other ſhips of war of our ſaid lord the king were then expected to ſail from this kingdom, and the voyages, cruizes, and ſervices, upon which ſuch ſhips were ſailed, and alſo of the times when other ſhips of war of our ſaid lord the king employed in the proſecuting and carrying on the ſaid war were expected to arrive in this kingdom, and alſo of the times of the ſailing of ſeveral ſhips and veſſels belonging to divers ſubjects of our ſaid lord the king from this realm to the dominions of our ſaid lord the king, and other places in parts beyond the ſeas, and alſo of the times when other ſhips and veſſels belonging to divers other ſubjects of our ſaid lord the king were expected to ſail from this realm to the dominions of our ſaid lord the king, and other places in parts beyond the ſeas, and alſo the times when other ſhips of divers ſubjects of our ſaid lord the king were expected to arrive in this kingdom from the dominions of our ſaid lord the king, and other places beyond the ſeas: And that afterwards, and during the ſaid war, *viz.* on the firſt day of January, in the twentieth year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex, he the ſaid defendant as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon and treaſonable purpoſes aforeſaid, falſely, wickedly, and traitorouſly, compoſed and wrote, and cauſed and procured to be compoſed and wrote, a certain letter, to be ſent to certain ſubjects of the ſaid French king in parts beyond the ſeas, and then and yet enemies of our ſaid lord the king, in which ſaid letter the ſaid defendant among other things, wickedly, falſely, and traitorouſly, notified

notified and discovered and revealed to the said enemies of our said lord the king, that the regiments of the army of our said lord the king were preparing to go to the West Indies, and also of the number of land-forces of our said lord the king to be sent to North America and Canada, and the stations of divers ships of war of our said lord the king employed in prosecuting and carrying on the said war of our said lord the king against the enemy, the said Louis the French king; and afterwards, and during the said war, *viz.* on the thirtieth June, in the twentieth year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously composed and wrote a certain other letter to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said last mentioned letter the defendant among other things wickedly, falsely, and traitorously notified, discovered, and revealed to the said enemies of our said lord the king, that Sir George Brydges Rodney, bart. then being one of the admirals of our said lord the king, was at the island of Barbadoes, in parts beyond the seas, with fourteen ships of war of our said lord the king, part of a squadron of ships of war of our said lord the king employed in prosecuting and carrying on the said war under the command of the said Sir George Brydges Rodney, being such admiral of our said lord the king, and that seven other ships of war of our said lord the king, other part of the said squadron, were under repair at St. Lucia, in parts beyond the seas, and also that Francis Geary, esquire, then being one other of the admirals of our said lord the king, was cruizing with a squadron of other ships of war of our said lord the king between the Scilly Islands and Ushant, and that certain ships and vessels were getting ready with provisions for the said squadrons, and that a certain ship of war of our said lord the king called the Marlborough had sailed from Spithead on Tuesday then last past to join the said squadron, and that certain other ships of war of our said lord the king employed in prosecuting and carrying on the said war were off Cherbourg in the kingdom of France; and afterwards, and during the said war, *viz.* on the first day of August, in the twentieth year aforesaid, he the said defendant, as such false traitor, wickedly and traitorously composed and wrote certain accounts or lists to certain subjects of the French king in parts beyond the seas, then and yet enemies of our said lord the king, in one of which accounts or lists the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed to the enemies of our said lord the king, the number, force, and statement of a certain squadron of ships of war of our said lord the king then employed in prosecuting and carrying on the said war, under the command of the said F. G. then being one of the admirals of our said lord the king, and in other of the said accounts or lists the said defendant falsely, wickedly, and traitorously notified, discovered, and revealed to the enemies of our said lord the king, the number, names, and force of certain ships of war of

our ſaid lord the king in this realm, and the ſtate and condition and deſtination of the ſame ſhips of war; and in another of the ſame accounts or lifts he the ſaid defendant falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed to the enemies of our ſaid lord the king the times of ſailing and deſtination of divers other ſhips of war of our ſaid lord the king, which had lately before that time ſailed from this kingdom, and alſo the number, ſtate, condition, and force of divers other ſhips of war of our ſaid lord the king, then in the ports of this kingdom; and in another of the ſaid accounts or lifts, he the ſaid defendant falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king the ſtations of divers ſhips and veſſels of our ſaid lord the king, then cruizing againſt the enemies of our ſaid lord the king; and afterwards, during the ſaid war, on the ſaid firſt day of Auguſt, in the twentieth year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant, as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon and treaſonable purpoſes aforeſaid, falſely, wickedly, and traitorouſly compoſed and wrote, and cauſed and procured to be compoſed and wrote, an account or ſtate to be ſent to certain ſubjects of the ſaid French king in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, in which ſaid account or ſtate the ſaid defendant notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king, the number of the naval forces of our ſaid lord the king, as employed in proſecuting and carrying on the ſaid war under the command of certain admirals of our ſaid lord the king; and afterwards, and during the ſaid war, *viz.* on the ninth day of Auguſt, in the twentieth year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant, as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon and treaſonable purpoſes aforeſaid, falſely, wickedly, and traitorouſly compoſed and wrote, and cauſed and procured to be compoſed and wrote, a certain other letter to be ſent to certain ſubjects of the ſaid French king in parts beyond the ſeas, and then and yet enemies of our ſaid lord the king, in which ſaid laſt-mentioned letter the ſaid defendant amongſt other things falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king, that certain ſhips of war of our ſaid lord the king, under the command of the ſaid F. G. then being one of the admirals of our ſaid lord the king, and that certain other ſhips of war of our ſaid lord the king, were preparing to join the ſquadron, and that certain other ſhips of war of our ſaid lord the king had ſailed under the command of ——— Murray, eſquire, then being one of the officers of the navy of our ſaid lord the king, and the place and deſtination thereof; and afterwards, and during the ſaid war, *viz.* on the fifth day of September, in the twentieth year aforeſaid, at the pariſh aforeſaid, in proſecuting his ſaid treaſon and treaſonable purpoſes aforeſaid, wickedly, falſely, and traitorouſly compoſed and wrote a certain other account to be ſent to certain ſubjects of the ſaid French king in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, in which ſaid

laſt-

laſt-mentioned account the ſaid defendant amongſt other things falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king the number and force of the ſhips of war of our ſaid lord the king then being within certain parts within this kingdom equipped for ſervice, and alſo the number and force of other ſhips of war of our ſaid lord the king then cruizing againſt the enemies of our ſaid lord the king, under the command of Robert Digby, eſquire, then being one other of the admirals of our ſaid lord the king, and alſo the number and force of the ſhips of war of our ſaid lord the king then repairing in certain ports within this kingdom, and the time when certain other ſhips and veſſels belonging to certain ſubjects of our ſaid lord the king were expected to arrive at this kingdom, and the time when certain other ſhips and veſſels belonging to certain ſubjects of our ſaid lord the king were expected to arrive in this kingdom from the dominions of our ſaid lord the king, and other places in parts beyond the ſeas; and afterwards, and during the ſaid war, to wit, on the ſeventeenth November, in the twenty-firſt year of the reign of our ſaid lord the king, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant, as ſuch falſe traitor as aforeſaid, in proſecution of his treaſon and treaſonable purpoſes aforeſaid, falſely, wickedly, and traitorouſly compoſed and wrote, and cauſed to be compoſed and wrote, a certain other letter to be ſent to certain ſubjects of the ſaid French king in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, in which ſaid laſt-mentioned letter the ſaid defendant amongſt other things falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king the time when a ſquadron of ſhips of war of our ſaid lord the king, under the command of G. D. eſquire, then being one of the admirals of our ſaid lord the king employed in proſecuting and carrying on the ſaid war, was expected to return to this kingdom; and afterwards, and during the ſaid war, to wit, on the ſaid ſeventeenth day of November, in the twenty firſt year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant, as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon and treaſonable purpoſes as aforeſaid, falſely, wickedly, and traitorouſly compoſed and wrote, and cauſed and procured to be compoſed and wrote, a certain account to be ſent to certain ſubjects of the ſaid French king in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, in which ſaid laſt-mentioned account the ſaid defendant among other things falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king, the number of the land and ſea forces of our ſaid lord the king in this kingdom, and other the dominions of our ſaid lord the king beyond the ſeas, and alſo the number of ſeamen in the ſervice of our ſaid lord the king; and afterwards, and during the ſaid war, to wit, on the firſt day of December, in the twenty-firſt year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant, as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon and treaſonable purpoſes aforeſaid, falſely, wickedly, and traitorouſly compoſed and wrote, and cauſed

to be composed and wrote, a certain other letter to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned letter the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed, among other things, to the enemies of our said lord the king, the time of the sailing of a squadron of ships of war of our said lord the king from this kingdom, under the command of Sir Samuel Hood, then being one of the admirals of our said lord the king, and the destination of the said squadron; and the said defendant, on the same day and year last aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, in prosecution, and to promote his treason, imaginations, and compassings aforesaid, falsely, wickedly, and traitorously did send, and procure to be sent, all and singular the said several letters, instruments in writing, accounts or lists, and accounts or statements, hereinbefore mentioned to have been wrote and composed by him the said defendant, from the parish aforesaid, in the county of Middlesex aforesaid, to be delivered in parts beyond the seas to several persons subjects of the French king, then and yet being enemies of our said lord the king; and that during the said war, to wit, on the thirtieth day of June, in the twentieth year aforesaid, at the parish aforesaid, in the county aforesaid, the said defendant, as such false traitor as aforesaid, and in prosecution of his said treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously did retain, hire, and procure, and caused to be retained, hired, and procured, one S. Radcliffe, then and there being master of a certain ship or vessel, to carry and convey in the said ship or vessel, from this kingdom to the kingdom of France, and there to deliver to certain subjects of the said French king, then and yet enemies of our said lord the king, certain letters and instructions in writing to inform the said French king and his subjects, then and yet enemies of our said lord the king, of the state, condition, destination, and stations, of the naval and military forces of this kingdom, and other advice and intelligence to enable and assist the said French king and his subjects in the prosecution and carrying on of the said war against our said lord the king and his subjects: And the jurors aforesaid upon their oath aforesaid further present, that during the said war, *ff.* on the fifth day of January, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in further prosecution of his said treason and treasonable purposes aforesaid, secretly, knowingly, unlawfully, and traitorously did obtain, procure, and get into his hands, custody, and possession, divers accounts in writing of the number and names of the ships of war of our said lord the king then being at a place called Spithead, near Portsmouth, in the county of Southampton, and also in the harbour of Portsmouth aforesaid, and the state and condition of several of the said ships, and of the destination of some of the said ships, and for what time some of the said ships were victualled, and in what the said ships were employed, and the number and names of a squadron of the ships of war of our said lord the king then shortly expected to sail from the kingdom under the command

of

of George Johnson, esquire, then being one of the officers in the navy of our said lord the king, and of the time for which the said squadron was victualled, and of certain regiments of the army of our said lord the king, then expected to be taken to sea in the said squadron, and also of the state and condition of divers ships of war of our said lord the king in parts beyond the seas, and also of certain ships of war of our said lord the king, employed in cruising against the enemies of this kingdom, and on the service of which the said ships were so employed, in order, and with intent to send and cause the same accounts to be sent, or the substance and contents thereof, to certain subjects of the said French king, then and yet enemies of our said lord the king, and for that purpose he the said defendant afterwards, to wit, on the same day and year last aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, falsely, wickedly, and traitorously did carry and convey the said accounts to the dwelling house of one Richard Otley, situate in the parish aforesaid, in the said county of Middlesex: And the jurors aforesaid, upon their oath aforesaid, further present that during the said war, &c. on the said eleventh day of January, in the twentieth year aforesaid, at the parish aforesaid, in the county of Middlesex, he the said defendant, as such false traitor as aforesaid, in further prosecution of his said treason and treasonable purposes aforesaid, unlawfully and traitorously did retain, hire, and employ one H. L. to obtain accounts and intelligence of the ships of war of our said lord the king which should sail from Spithead aforesaid, and of the times of sailing, and of the names, force, and destination of such ships of war, and also of the arrival at Spithead aforesaid of such ships of war of our said lord the king, as should be in the harbour of Portsmouth aforesaid, and the state, condition, and force of such ships, and of the times when such ships should sail, and the destination of such ships, and to communicate such accounts and intelligence to the said defendant, in order that the said defendant might send such accounts and intelligence to the subjects of the said French king, then and yet being enemies of our said present lord the king; and the jurors aforesaid, upon their oath aforesaid, further present, that during the said war, &c. on the said fifth of June, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex, he the said defendant, as such false traitor as aforesaid, and in further prosecution of his treason, and treasonable purposes aforesaid, falsely, wickedly, and traitorously did retain him, and employ the said H. L. to obtain information, and intelligence of the sailing of a squadron of ships of war of our said lord the king, then shortly expected to sail from Spithead aforesaid, under the command of George Johnson, then being one of the officers of the navy of our said lord the king, and of the time when such squadron should sail, and of the number and force of the ships of such squadron, and immediately send, and cause to be sent such information and intelligence, to certain subjects of the said French king, then, and yet being enemies of our said lord the king, against the duty of the allegiance of him the said defendant, and

2d Count.

against the peace, &c. and also against the form, &c. And the said jurors of our said present sovereign lord the king, upon their oath aforesaid, further present that an open and public war, on the eleventh day of January, in the twentieth year of the reign of our said sovereign lord George the Third, &c. and long before, and ever since, hitherto, by land and by sea, was and is yet carried on and prosecuted by Louis the French king, against our most serene, &c. well knowing the premises, nor having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, as a false traitor, and against our most serene, &c. and contriving, and with all his strength intending the common tranquillity of this kingdom of Great Britain to disquiet, molest, and disturb, and the government of our said lord the king of this kingdom of Great Britain, to change, subvert, and alter, he the said defendant during the war aforesaid, *ff.* on the said eleventh day of January, in the twentieth year aforesaid, and on divers other days and times, as well before as after that day, with force and arms, at the parish aforesaid, in the said county of Middlesex, unlawfully and traitorously was adhering, aiding, and comforting, the said Louis the French king and his subjects, then being enemies of our said present sovereign lord the king, and in prosecution, performance, and execution of the said traitorous adhering of the said defendant to the said Louis the French king, and his subjects, then being enemies of our said present sovereign lord the king, he the said defendant as such false traitor, during the war aforesaid, to wit, on the said eleventh day of January, in the twentieth year aforesaid, at the parish aforesaid, in the said county of Middlesex, falsely, wickedly, and traitorously did compose, and cause to be composed, and wrote divers letters and instructions in writing, to shew and inform the said French king and his subjects, then and yet enemies of our said present sovereign lord the king, of the state, condition, and force of several ships of war of our said lord the king, and of the number of the ships and forces of our said lord the king, then and there designed and prepared for the defence of this kingdom, and the enemies of the said kingdom to attack, repel, and resist, and how some of the ships of war of our said lord the king were furnished with provisions, and of the stations of divers squadrons of ships of war of our said lord the king, employed in prosecuting and carrying on the said war, and the names of the commanders of such squadrons, and the number and force of the ships of war, of which such squadrons consisted, and also the service in which divers other ships of war of our said lord the king were then employed, in prosecuting and carrying on the said war, and also the number and force of the ships of war of our said lord the king, within certain parts of this kingdom, and the state and condition of several of the said ships, and of the number of land forces of our said lord the king in this kingdom, and the dominions thereunto belonging, and of the times of sailing of divers ships of war of our said lord the king, and the destination of the said ships, and the services on which such ships were employed,

and of the times when other ſhips of war of our ſaid lord the king were then expected to ſail from this kingdom, and the voyages, cruiſes, and ſervices upon which ſuch ſhips were ſailed; and alſo the times when other ſhips of war of our ſaid lord the king, employed in the proſecution and carrying on of the ſaid war, were expected to arrive in this kingdom; and alſo of the times of the ſailing of ſeveral ſhips and veſſels belonging to divers ſubjects of our ſaid lord the king, from this kingdom to the dominions of our ſaid lord the king, and other places in parts beyond the ſeas, and alſo the times when other ſhips and veſſels belonging to divers other ſubjects of our ſaid lord the king were expected to ſail from this kingdom to the dominions of our ſaid lord the king, and other places in parts beyond the ſeas, and alſo of the time when other ſhips and veſſels of divers other ſubjects of our ſaid lord the king were expected to arrive in this kingdom, from the dominions of our ſaid lord the king, and other places beyond the ſeas: And that afterwards and during the ſaid war, *viz.* on the eleventh day of January in the twentieth year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon, and treaſonably adhering, and purpoſes aforeſaid, falſely, wickedly, and traitorouſly compoſed and wrote, and cauſed to be compoſed and wrote, a certain letter, to be ſent to certain ſubjects of the ſaid French king, in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, that certain regiments of the army of our ſaid lord the king were preparing to go to the Weſt Indies, and alſo the number of land forces of our ſaid lord the king to be ſent to North America and Canada, and the ſtations of divers ſhips of war of our ſaid lord the king then employed in proſecuting and carrying on the ſaid war of our ſaid lord the king, againſt Louis the French king, and afterwards and during the ſaid war, *viz.* on the thirtieth day of June, in the twentieth year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon and treaſonable purpoſes aforeſaid, wickedly and traitorouſly compoſed and wrote a certain other letter, to be ſent to certain ſubjects of the the ſaid French king, in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, in which ſaid laſt-mentioned letter the ſaid defendant among other things wickedly, falſely, and traitorouſly notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king, that Sir George Bridges Rodney, bart. then being one of the admirals of our ſaid lord the king, was at the iſland of Barbadoes, in parts beyond the ſeas, with fourteen ſhips of our ſaid lord the king, part of a ſquadron of ſhips of war of our ſaid lord the king, employed in proſecuting and carrying on the ſaid war, under the command of the ſaid Sir G. B. R. being ſuch admiral as aforeſaid, and that ſeven other ſhips of war of our ſaid lord the king, other part of the ſaid ſquadron kept at ſea, and that other ſhips of war of our ſaid lord the king, other part of the ſaid ſquadron was under repair at St. Lucia, in parts beyond the ſea,

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and alſo that F. Geary, eſquire, then being one other of the admirals of our ſaid lord the king, was cruizing with a ſquadron of other ſhips of war of our ſaid lord the king between the Scilly iſlands and Uſhant, and that certain ſhips and veſſels were getting ready with proviſions for the ſaid ſquadron, and that a certain ſhip of war of our ſaid lord the king, called the Marlborough, had ſailed from Spithead on Tueſday then laſt paſt, to join the ſaid ſquadron, and that certain ſhips of war of our ſaid lord the king, employed in proſecuting and carrying on the ſaid war, were off Cherbourg, in the kingdom of France, and afterwards, and during the ſaid war, *&c.* on the firſt day of Auguſt, in the year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant, as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon and treaſonable adhering as aforeſaid, wickedly, falſely, and traitorouſly compoſed and wrote, and cauſed to be compoſed and wrote, certain accounts or liſts to be ſent to certain ſubjects of the French king, in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, in one of which ſaid accounts or liſts, the ſaid defendant falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed to the ſaid enemies of our lord the king, the number, force, and ſtation of another certain ſquadron of ſhips of war of our ſaid lord the king, then employed in proſecuting and carrying on the ſaid war, under the command of the ſaid F. G. then being one of the admirals of our ſaid lord the king; and in another of the ſaid accounts or liſts, the ſaid defendant falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed, to the ſaid enemies of our ſaid lord the king, the number, name, and force of certain ſhips of war of our ſaid lord the king, then in certain ports of our ſaid lord the king in this kingdom, and the ſtate, condition, and deſtination of the ſame ſhips of war, and in another of the ſaid accounts or liſts he the ſaid defendant falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king, the times of the ſailing and deſtination of divers other ſhips of war of our ſaid lord the king, which had lately before that time ſailed from this kingdom, and alſo the number, ſtate, condition, and force of ſeveral other ſhips of war of our ſaid lord the king, then in the ports of this kingdom; and in another of the ſaid accounts or liſts, he the ſaid defendant falſely, wickedly, and traitorouſly notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king, the ſtations of divers ſhips and veſſels of our ſaid lord the king, then cruiſing againſt the enemies of our ſaid lord the king; and afterwards, and during the ſaid war, to wit, on the ſaid firſt day of Auguſt, in the twentieth year aforeſaid, in the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon and treaſonable adhering and purpoſes aforeſaid, falſely, wickedly, and traitorouſly compoſed and wrote, and cauſed and procured to be compoſed and wrote, an account or ſtatement to be ſent to certain ſubjects of the ſaid French king, in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, in which ſaid account or

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ſtatement the ſaid defendant notified, diſcloſed, and revealed to the ſaid enemies of our ſaid lord the king, the number of the naval officers of our ſaid lord the king; and afterwards, and during the ſaid war, to wit, on the ninth day of Auguſt, in the twentieth year aforeſaid he the ſaid defendant as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon, adhering, purpoſes, falſely, wickedly, and traitorouſly compoſed and wrote, and cauſed and procured to be compoſed and wrote a certain other letter to be ſent to certain ſubjects of the ſaid French king, in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, in which ſaid laſt mentioned letter, the ſaid defendant among other things falſely, wickedly, and traitorouſly notified, diſcovered, and revealed to the enemies of our ſaid lord the king, that certain ſhips of war of our ſaid lord the king had lately ſailed to re-inforce a ſquadron of ſhips of war of our ſaid lord the king, under the command of the ſaid F. G. then being one of the admirals of our ſaid lord the king, and that certain ſhips of war of our ſaid lord the king, were preparing to join the ſaid ſquadron, and that certain other ſhips of war of our ſaid lord the king had ſailed under the command of ——— Murray, eſquire, then being one of the officers in the navy of our ſaid lord the king, and the place of the deſtination thereof; and afterwards, and during the ſaid war, *ſſ.* on the fifth day of September, in the twentieth year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant, as ſuch falſe traitor as aforeſaid, in proſecution of his ſaid treaſon and treaſonable adhering and purpoſes aforeſaid, falſely, wickedly, and traitorouſly compoſed and wrote, and cauſed and procured to be compoſed and wrote, a certain other account to be ſent to certain ſubjects of the ſaid French king, in parts beyond the ſeas, then and yet enemies of our ſaid lord the king, in which ſaid laſt mentioned account, he the ſaid defendant, among other things falſely, wickedly, and traitorouſly notified, diſcovered, and revealed to the ſaid enemies of our ſaid lord the king, the number and force of the ſhips of war of our ſaid lord the king, then being in certain ports within this kingdom equipped for ſervice, and alſo the number and force of other ſhips of war of our ſaid lord the king, then cruiſing againſt the enemies of our ſaid lord the king, under the command of R. Digby, eſquire, then being one other of the admirals of our ſaid lord the king, and alſo the number and force of the ſhips of war of our ſaid lord the king then repairing in certain ports within this kingdom, and the times when certain other ſhips or veſſels belonging to certain ſubjects of our ſaid lord the king were expected to arrive at this kingdom, from the dominions of our ſaid lord the king, and other places in parts beyond the ſeas, and the times when certain other ſhips or veſſels belonging to certain other ſubjects of our ſaid lord the king were then expected to ſail from this kingdom to the dominions of our ſaid lord the king, and other places in parts beyond the ſeas, and afterwards, and during the ſaid war, *ſſ.* on the ſeventeenth day of November, in the twenty-firſt year aforeſaid, at the pariſh aforeſaid, in the county of Middleſex aforeſaid, he the ſaid defendant, as ſuch falſe traitor as aforeſaid,

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in prosecution of his treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously composed and wrote a certain other letter, to be sent to certain subjects of the said French king, in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned letter, the said defendant among other things falsely, wickedly, and traitorously disclosed and revealed to the enemies of our said lord the king, when a squadron of ships of war of our said lord the king, under the command of G. Darby, esquire, then being one of the admirals of our said lord the king, and then employed in prosecuting and carrying on the said war, *ff.* on the said seventeenth day of November, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable adhering and purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused to be composed and wrote, a certain account to be sent to certain subjects of the said French king, in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned account, he the said defendant, among other things falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king, the number of land and sea-forces of our said lord the king in this kingdom, and other dominions of our said lord the king, and afterwards, and during the said war, *ff.* on the said first day of December, in the year aforesaid, in the parish aforesaid, in the said county of Middlesex, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable adhering and purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused and procured to be composed and wrote a certain other letter to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned letter, the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed among other things, to the enemies of our said lord the king, the time of sailing of a squadron of ships of war of our said lord the king, under the command of Sir Samuel Hood, then being one of the admirals of our said lord the king, from this kingdom, and the destination of the said squadron; and the said defendant on the same day and year last aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, in prosecution of his said traitorous adhering purposes, defendant to the said Louis the French king and his subjects, enemies of our said lord the king, falsely, wickedly, and traitorously did send and procure to be sent, all and singular the said several letters, instructions in writing, accounts or lists, and accounts or states, hereinbefore mentioned to have been wrote and composed by him the said defendant from the parish aforesaid, in the county of Middlesex aforesaid, to be delivered in parts beyond the seas to several subjects of the said French king, then and yet being enemies of our said lord the king, and that during the said war, *ff.* on the thirtieth day of June, in the twentieth year aforesaid, in the county of Middlesex aforesaid, the said defendant, as such false traitor as aforesaid, and

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in profecution of his faid treafon and treafonable adhering and purpofes aforefaid, falfely, wickedly, and traitorouffly did retain, hire, and procure, and caufed, and procured to be retained, hired, and procured one Stephen Ratcliffe, then and there being mafter of a certain fhip or veffel, to carry or convey in the faid fhip or veffel, from this kingdom to the kingdom of France, and thereto deliver to certain fubjects of the faid French king, then and yet enemies of our faid lord the king, certain letters and inftructions in writing, to inform the faid French king, and his fubjects, then and yet enemies of our faid lord the king, of the ftate, condition, deftination, and ftation of the naval and military forces of this kingdom, and other advice and intelligence, to enable and affift the faid French king and his fubjects in the profecution and carrying on the faid war againft our faid lord the king and his fubjects: And the jurors aforefaid, upon their oath aforefaid, further prefent that during the faid war, *ff.* on the fifth day of January, in the twenty-firft year aforefaid, at the parifh aforefaid, in the county of Middlefex aforefaid, he the faid defendant, as fuch falfe traitor as aforefaid, in further profecution of his faid treafon and treafonable adhering and purpofes aforefaid, fecretly, knowingly, unlawfully, and traitorouffly did obtain, procure and get into his hands, cuftody and poffeffion, divers accounts in writing of the number and names of the fhips of war of our faid lord the king, then being at a place called Spithead near Portfmouth aforefaid, in the county of Southampton, and alfo in the harbour of Portfmouth aforefaid, and the ftate and condition of feveral of the faid fhips, and the deftination of fome of the faid fhips, and for what time fome of the faid fhips were then expected to be employed, and of the number and names of a fquadron of fhips of war of our faid lord the king, then fhortly expected to fail from this kingdom, under the command of the faid G. Johnfon, efquire, then being, &c. and of the time for which the faid fquadron was victualled, and of certain regiments of the army of our faid lord the king then expected to be taken to fea in the faid fquadron, and alfo of the ftate and condition of divers fhips of war of our faid lord the king in parts beyond the feas, and alfo of certain fhips of war of our faid lord the king employed in cruizing againft the enemies of this realm, and of the fervice of which the faid fhips were fo employed, in order and with intent to fend, and caufe to be fent the fame accounts, or the fubftance and contents thereof, to certain fubjects of the faid French king, then and yet enemies of our faid lord the king; for that purpofe the faid defendant, afterwards, to wit, on the fame day and year laft aforefaid, at the parifh aforefaid, in the county of Middlefex aforefaid, falfely, wickedly, and traitorouffly did convey the faid accounts to the dwelling houfe of one R. O. fituate in the parifh aforefaid, in the faid county of Middlefex: And the jurors aforefaid, upon their oath aforefaid, further prefent that during the faid war, to wit, on the faid eleventh day of January, in the twentieth year aforefaid, at the parifh aforefaid, in the faid county of Middlefex, he the faid defendant, as fuch falfe traitor as aforefaid, in further

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profecution of his faid treafon and treafonable purpofes aforefaid, unlawfully and traitorouflly did retain, hire, and employ one H. L. to obtain accounts and intelligence of the fhips of war of our faid lord the king which fhould fail from Spithead aforefaid, and of the times of failing, and of the names, force, and deftination of fuch fhips of war, and alfo the arrival at Spithead aforefaid of fuch fhips of war of our faid lord the king as fhould be in the harbour of Portfmouth, and of the ftate, condition, and force of fuch fhips, and of the times when fuch fhips fhould fail, and of the deftination of fuch fhips, and to communicate fuch accounts and intelligence to the faid defendant, in order that he the faid defendant might fend fuch accounts and intelligence to the fubjects of the faid French king, then and yet enemies of our faid lord the king: And the jurors further prefent, that during the faid war, to wit, on the fifth day of January, in the twenty-firft year aforefaid, at the parifh aforefaid, in the county of Middlefex aforefaid, as fuch falfe traitor as aforefaid, and in further profecution of his treafon and treafonable adhering and purpofes, falfely, wickedly, and traitorouflly did retain, hire, and employ, the faid H. L. to obtain information and give intelligence of the failing of the faid fquadron of fhips of our faid lord the king then fhortly expected to fail from Spithead aforefaid under the command of G. Johnfon, then being one of the officers in the navy of our faid lord the king, and of the time when fuch fquadron fhould fail, and the number and force of fuch fhips of the faid fquadron, and immediately to fend and caufe to be fent fuch information and intelligence to certain fubjects of the faid French king, then and yet being enemies of our faid lord the king, againft the duty of the allegiance of him the faid defendant, againft the peace of our faid prefent fovereign lord the king, his crown and dignity, and alfo againft the form of the ftatute in fuch cafe made and provided.

Indictment for high treafon, in procuring conventions to be held in order to levy war againft the king and alter the government.

MIDDLESEX, to wit. Be it remembered, that at a fpecial feffion of oyer and terminer of our fovereign lord the king, of and for the county of Middlefex, holden at the feffion-houfe, on Clerkenwell-green, in the faid county, on Thurfday the fecond day of October, in the thirty-fourth year of the reign of our fovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and fo forth, before the right honourable Sir James Eyre, knight, chief juftice of our faid lord the king of his court of common pleas; the right honourable Sir Archibald Macdonald, knight, chief baron of our faid lord the king of his court of exchequer; the honourable Sir Beaumont Hotham, knight, one of the barons of our faid lord the king of his faid court of exchequer; the honourable Sir Francis Buller, baronet, one of the juftices of our faid lord the king of his faid court of common pleas; the honourable Sir Nafh Grofe, knight, one of the juftices of our faid lord the king affigned to hold pleas before the king himfelf; the honourable Sir Soulden Lawrence, knight, one other of the juftices of our faid lord the king affigned to hold pleas before the king himfelf,

ſelf, and others their fellows, juſtices and commiſſioners of our ſaid lord the king, aſſigned by letters patent of our ſaid lord the king, under his great ſeal of Great Britain, made to them and others, and any three or more of them (of whom one of them, the aforeſaid Sir James Eyre, Sir Archibald Macdonald, Sir Beaumont Hotham, Sir Francis Buller, Sir Naſh Groſe, and Sir Soulden Lawrence, our ſaid lord the king willed ſhould be one) to inquire, by the oath of good and lawful men of the county of Middleſex, of all high treaſons in compaſſing or imagining the death of our lord the king, levying war againſt our lord the king in his realm, or in adhering to the enemies of our ſaid lord the king in his realm, giving to them aid and comfort in his realm or elſewhere, and of all miſpriſions of ſuch high treaſons as aforeſaid, or of any of them, within the county aforeſaid (as well within liberties as without), by whomſoever, and in what manner ſoever done, committed, or perpetrated, when, how, and after what manner, and of all other articles and circumſtances concerning the premiſes, and every or any of them, in any manner whatſoever, and the ſaid treaſons and miſpriſions of treaſons, according to the laws and cuſtoms of England, for this time to hear and determine by the oath of

Benjamin Winthrop, eſq.	Samuel Hawkins, eſq.
John Henry Schneider, eſq.	George Ward, eſq.
Edward Ironſide, eſq.	Thomas Boddam, eſq.
Benjamin Kenton, eſq.	Joſeph Lancaſter, eſq.
Rawſon Hart Boddam, eſq.	Robert Wilkinſon, eſq.
John Aris, eſq.	George Galway Mills, eſq.
William Pardoe Allett, eſq.	Henry Wright, eſq.
John Perry, eſq.	John Hatchet, eſq.
Henry Peter Khuff, eſq.	Rowland Stephenſon, eſq. ;
Thomas Winſlow, eſq.	and
Thomas Cole, eſq.	John Campbell, eſq.

good and lawful men of the county aforeſaid, now here, ſworn and charged to inquire for our ſaid lord the king for the body of the ſaid county touching and concerning the premiſes in the ſaid letters patent mentioned. It is preſented in manner and form as followeth, that is to ſay: Middleſex, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that Thomas Hardy, late of Weſtminſter, in the county of Middleſex, ſhoemaker; John Horne Tooke, late of Wimbledon, in the county of Surry, clerk; John Auguſtus Bonney, late of the pariſh of St. Giles in the Fields, in the county of Middleſex aforeſaid, gentleman; Stewart Kyd, late of London, eſquire; Jeremiah Joyce, late of the pariſh of St. Mary le Bone, otherwiſe Marybone, in the county of Middleſex aforeſaid, gentleman; Thomas Holcroft, late of the pariſh of Saint Mary le Bone, otherwiſe Marybone, aforeſaid, in the county of Middleſex aforeſaid, gentleman; John Richter, late of Weſtminſter, in the ſaid county of Middleſex, gentleman; John Thelwall, late of Weſtminſter, in the county of Middleſex aforeſaid, gentleman; and John Baxter,

Baxter (*a*), late of the parish of St. Leonard, Shoreditch, in the county of Middlesex aforesaid, labourer; being subjects of our said lord the king, not having the fear of God in their hearts, nor weighing the duty of their allegiance, but being moved and seduced by the instigation of the devil, as false traitors against our said lord the king, their supreme, true, lawful, and undoubted lord, and wholly withdrawing the cordial love and true and due obedience which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king, and contriving, and with all their strength intending, traitorously to break and disturb the peace and common tranquillity of this kingdom of Great Britain, and to stir, move, and excite insurrection, rebellion, and war, against our said lord the king, within this kingdom, and to subvert and alter the legislature, rule, and government, now duly and happily established in this kingdom, and to depose our said lord the king from the royal state, title, power, and government of this kingdom, and to bring and put our said lord the king to death, on the first day of March, in the thirty-third year of the reign of our sovereign lord the now king, and on divers other days and times, as well before as after, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traitorously, with force and arms, &c. did amongst themselves, and together with divers other false traitors, whose names are to the said jurors unknown, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war, against our said lord the king within this kingdom of Great Britain, and to subvert and alter the legislature, rule, and government, now duly and happily established within this kingdom of Great Britain, and to depose our said lord the king from the royal state, title, power, and government of this kingdom, and to bring and put our said lord the king to death. And to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as aforesaid, with force and arms, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times as well before as after, at the parish of St. Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traitorously did meet, conspire, consult, and agree among themselves, and together with divers other false traitors, whose names are to the said jurors unknown, to cause and procure a convention and meeting of divers subjects of our said lord the king to be assembled and held within this kingdom, with intent and in order that the persons to be assembled at such convention and meeting should and might, wickedly and traitorously, without, and in defiance of the authority,

(*a*) Thomas Wardle, Matthew Moore, and Richard Hodgson were likewise in the indictment; but these persons did not appear.

and

and against the will of the parliament of this kingdom, subvert and alter, and cause to be subverted and altered, the legislature, rule, and government, now duly and happily established in this kingdom, and depose, and cause to be deposed, our said lord the king, from the royal state, title, power, and government thereof. And further to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, and in order the more readily and effectually to assemble such convention and meeting as aforesaid, for the traitorous purposes aforesaid, and thereby to accomplish the said purposes, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors, whose names are to the jurors aforesaid unknown, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times as well before as after, with force and arms, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traitorously did compose and write, and did then and there maliciously and traitorously cause to be composed and written, divers books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses, and writings, and did then and there maliciously and traitorously publish, and did then and there maliciously and traitorously cause to be published, divers other books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses, and writings, the said books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses, and writings, so respectively composed, written, published, and caused to be composed, written, and published, purporting and containing therein, among other things, incitements, encouragements, and exhortations, to move, induce, and persuade the subjects of our said lord the king to choose, depute, and send, and cause to be chosen, deputed, and sent, persons, as delegates, to compose and constitute such convention and meeting as aforesaid, to be so holden as aforesaid, for the traitorous purposes aforesaid. And further to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations aforesaid; and in order the more readily and effectually to assemble such convention and meeting as aforesaid, for the traitorous purposes aforesaid, and thereby to accomplish the same purposes, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as aforesaid, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times as well before as after, with force and arms, at the parish of St. Giles aforesaid, in the county of Middlesex aforesaid, did meet, consult, and deliberate among themselves, and together with divers other false traitors, whose names are to the said jurors unknown, of and concerning the calling and assembling such convention and meeting as aforesaid, for the traitorous purposes aforesaid, and how, when, and where such convention and meeting

ſhould be aſſembled and held, and by what means the ſubjects of our ſaid lord the king ſhould and might be induced and moved to ſend perſons as delegates to compoſe and conſtitute the ſame. And further to fulfil, perfect, and bring to effect their moſt evil and wicked treaſon, and treaſonable compaſſings and imaginations aforeſaid, and in order the more readily and effectually to aſſemble ſuch convention and meeting as aforeſaid, for the traitorous purpoſes aforeſaid, and thereby to accompliſh the ſame purpoſes, the ſaid Thomas Hardy, John Horne Tooke, John Auguſtus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as ſuch falſe traitors as aforeſaid, together with divers other falſe traitors, whoſe names are to the jurors aforeſaid unknown, on the ſaid firſt day of March, in the thirty-third year aforeſaid, and on divers other days and times as well before as after, with force and arms, at the pariſh of Saint Giles aforeſaid, in the county of Middleſex aforeſaid, maliciouſly and traitorouſly did conſent and agree, that the ſaid Jeremiah Joyce, John Auguſtus Bonney, John Horne Tooke, Thomas Wardle, Matthew Moore, John Thelwall, John Baxter, Richard Hodgſon, one John Lovett, one William Sharp, and John Pearſon, ſhould meet, confer, and co-operate among themſelves, and together with divers other falſe traitors, whoſe names are to the ſaid jurors unknown, for and towards the calling and aſſembling ſuch convention and meeting as aforeſaid, for the traitorous purpoſes aforeſaid. And further to fulfil, perfect, and bring to effect their moſt evil and wicked treaſon, and treaſonable compaſſings and imaginations aforeſaid, the ſaid Thomas Hardy, John Horne Tooke, John Auguſtus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as ſuch falſe traitors as aforeſaid, together with divers other falſe traitors, whoſe names are to the jurors aforeſaid unknown, on the ſaid firſt day of March, in the thirty-third year aforeſaid, and on divers other days and times as well before as after, with force and arms, at the pariſh of Saint Giles aforeſaid, in the county of Middleſex aforeſaid, maliciouſly and traitorouſly did cauſe and procure to be made and provided, and did then and there maliciouſly and traitorouſly conſent and agree to the making and providing of divers arms and offenſive weapons, to wit, guns, muſquets, pikes, and axes, for the purpoſe of arming divers ſubjects of our ſaid lord the king, in order and to the intent that the ſame ſubjects ſhould and might unlawfully, forcibly, and traitorouſly oppoſe and withſtand our ſaid lord the king in the due and lawful exerciſe of his royal power and authority in the execution of the laws and ſtatutes of this realm, and ſhould and might unlawfully, forcibly, and traitorouſly, ſubvert and alter, and aid and aſſiſt in ſubverting and altering, without and in defiance of the authority, and againſt the will of the parliament of this kingdom, the legiſlature, rule, and government, now duly and happily eſtabliſhed in this kingdom, and depoſe, and aid and aſſiſt in depoſing, our ſaid lord the king from the royal ſtate, title, power, and government of this kingdom. And further to fulfil, perfect, and bring

to effect their moſt evil and wicked treaſon, and treaſonable compaſſings and imaginations aforeſaid, the ſaid Thomas Hardy, John Horne Tooke, John Auguſtus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as ſuch falſe traitors as aforeſaid, with force and arms, on the ſaid firſt day of March, in the thirty-third year aforeſaid, and on divers other days and times as well before as after, at the pariſh of St. Giles aforeſaid, in the county of Middleſex aforeſaid, maliciouſly and traitorouſly did meet, conſpire, conſult, and agree among themſelves, and with divers other falſe traitors, whoſe names are to the ſaid jurors unknown, to raiſe, levy, and make inſurrection, rebellion, and war within this kingdom of Great Britain, againſt our ſaid lord the king. And further to fulfil, perfect, and bring to effect their moſt evil and wicked treaſon, and treaſonable compaſſings and imaginations aforeſaid, the ſaid Thomas Hardy, John Horne Tooke, John Auguſtus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as ſuch falſe traitors as aforeſaid, on the ſaid firſt day of March, in the thirty-third year aforeſaid, and on divers other days and times as well before as after, at the pariſh of Saint Giles aforeſaid, in the county of Middleſex aforeſaid, with force and arms, maliciouſly and traitorouſly did meet, conſpire, conſult, and agree amongſt themſelves, and together with divers other falſe traitors, whoſe names are to the ſaid jurors unknown, unlawfully, wickedly, and traitorouſly, to ſubvert and alter, and cauſe to be ſubverted and altered, the legiſlature, rule, and government, now duly and happily eſtabliſhed in this kingdom, and to depoſe, and cauſe to be depoſed, our ſaid lord the king from the royal ſtate, title, power, and government of this kingdom. And further to fulfil, perfect, and bring to effect their moſt evil and wicked treaſon, and treaſonable compaſſings and imaginations aforeſaid, and in order the more readily and effectually to bring about ſuch ſubverſion, alteration, anddepoſition as laſt aforeſaid, the ſaid Thomas Hardy, John Horne Tooke, John Auguſtus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as ſuch falſe traitors as aforeſaid, together with divers other falſe traitors, whoſe names are to the jurors aforeſaid unknown, on the ſaid firſt day of March, in the thirty-third year aforeſaid, and on divers other days and times as well before as after, at the pariſh of Saint Giles aforeſaid, in the county of Middleſex aforeſaid, with force and arms, maliciouſly and traitorouſly did prepare and compoſe, and did then and there maliciouſly and traitorouſly cauſe and procure to be prepared and compoſed, divers books, pamphlets, letters, declarations, inſtructions, reſolutions, orders, addreſſes, and writings, and did then and there maliciouſly and traitorouſly publiſh and diſperſe, and did then and there maliciouſly and traitorouſly cauſe and procure to be publiſhed and diſperſed, divers other books, pamphlets, letters, declarations, inſtructions, reſolutions, orders, addreſſes, and writings, the ſaid ſeveral books, pamphlets, letters, declarations, inſtructions, reſolutions, orders, addreſſes, and writ-

ings so respectively prepared, composed, published, dispersed, and caused to be prepared, composed, published, and dispersed, as last aforesaid, purporting and containing therein, amongst other things, incitements, encouragements, and exhortations, to move, induce, and persuade the subjects of our said lord the king to aid and assist in carrying into effect such traitorous subversion, alteration, and deposition, as last aforesaid, and also containing therein, amongst other things, information, instructions, and directions, to the subjects of our said lord the king, how, when, and upon what occasions, the traitorous purposes last aforesaid should and might be carried into effect. And further to fulfil, perfect, and bring to effect, their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors, whose names are to the jurors aforesaid unknown, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times as well before as after, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, with force and arms, maliciously and traitorously did procure and provide, and did then and there maliciously and traitorously cause and procure to be provided, and did then and there maliciously and traitorously consent and agree to the procuring and providing arms and offensive weapons (to wit), guns, musquets, pikes, and axes, therewith to levy and wage war, insurrection, and rebellion, against our said lord the king within this kingdom, against the duty of the allegiance of the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, against the peace of our said lord the now king, his crown and dignity, and against the form of the statute in that case made and provided.

FELONY.

ARSON.

Indictment for setting fire to a dwelling-house.

THE KING *against* MEAD. } MIDDLESEX. The jurors of our lord the king upon their oath present, that John Mead, late of the parish of Saint George the Martyr, in the county of Middlesex, labourer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the *fifth* day of *July*, in the thirty-first year of the reign of our sovereign lord George the Third, king of Great Britain, and so forth, with force and arms, at the parish aforesaid, in the county aforesaid, feloniously, wilfully, and maliciously, did set fire to and burn a certain dwelling-house of one Walter Carwardine, there situate, against the peace of our said lord the king, his crown and

State the day if you know it. The exact day is not material. V. G.

and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Mead, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the said fifth day of July, in the said thirty-first year of the reign of our said lord the king, with force and arms, at the said parish of Saint George the Martyr, in the said county of Middlesex, unlawfully, wilfully, maliciously, and feloniously, did set fire to a certain other dwelling-house of the said Walter Carwardine there situate, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity. V. GIBBS.

Indictment for setting reversioner's house on fire.

1st Count at common law, 1. Hawk. P. C. 166.

MIDDLESEX. The jurors for our lord the king upon their oath present, that Andrew Broome, late of the parish of St. M. in the county of Middlesex, labourer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the fifth day of March, in the twentieth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. about the hour of twelve in the night of the same day, with force and arms at the parish aforesaid, in the county aforesaid, a certain house of one William Butler there situate, feloniously, wilfully, and maliciously, then and there did set on fire and burn, against the peace of our said lord the present king, his crown and dignity. And the jurors aforesaid upon their oath further present, that the said A. Broome, after the first day of June A. D. 1711, to wit, on the fifth day of March, in the twentieth year of the reign of our said lord the present king, about the hour of twelve in the night of the same day, with force and arms, at the parish aforesaid, in the county aforesaid, a certain house of the said W. B. there situate, feloniously, wilfully, and maliciously, then and there did set on fire, and against the peace of our said lord the present king, his crown and dignity, and also against the form of the statute in that case made and provided. And the jurors aforesaid upon their oath further present, that the said Andrew B. on the said fifth day of March, in the twentieth year of the reign of our said lord the king, about the hour of twelve in the night of the same day, with force and arms, at the parish aforesaid, in the county aforesaid, a certain house of one Stone Tupped there situate, feloniously, wilfully, and maliciously, then and there did set on fire and burn, against the peace of our said lord the present king, his crown and dignity. And the jurors aforesaid upon their oath further present, that the said A. B. on the said fifth day of March, in the twentieth year of the reign of our said lord the present king, about the hour of twelve in the night of the same day, with force and arms, at the parish aforesaid, in the county aforesaid, a certain house of the said Stone Tupped there situate, feloniously, voluntarily, and maliciously, then and there did set fire to, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in that

2d, By statute 9. Geo. 1. c. 22.

3d, For setting the house of lessee for ninety-nine years on fire, at common law.

4th, By statute.

See Holmes's Case, Foster's Crown Law, 113 to 116.

that case made and provided. (5th and 6th Counts the same as the 3d and fourth, only stating it to be the house of Andrew Broome himself, who was tenant for the remainder of the term for three years under lessee for ninety-nine.)

The jury found a special verdict on the following facts: That the prisoner wilfully and maliciously set on fire and burned the house mentioned in the indictment; that the house was on lease to him from the said Stone Tupped for the term of three years, who was possessed of it for a term of ninety-nine years under William Butler.

FORGERY.

Indictment against a calico printer.

1st Count, for counterfeiting and forging a stamp on linen.

REX *against* RICHARDSON. } LANCASHIRE. The jurors of our lord the king upon their oath present, that David Richardson, late of the parish of Radcliffe, in the county of Lancaster, calico-printer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and contriving and wickedly intending our said lord the king craftily, falsely, deceitfully and feloniously, to deceive and defraud of the duties payable to and for the use of our said lord the king, by the statute in that case made and provided, for and upon pieces of printed linen, stained, painted, and dyed in Great Britain, on the tenth day of September, in the twenty-third year of the reign of our sovereign lord George, the now king of Great Britain, &c. with force and arms, at the parish of R. aforesaid, in the county aforesaid, upon each of the said pieces of linen, such linen being then and there linens chargeable by the statute in that case made and provided with duties payable for the same, and for the use of our said lord the king, falsely, deceitfully, and feloniously, did counterfeit and forge a certain stamp to resemble a certain stamp then and there provided by the commissioners of excise for the time being, appointed for the management of duties pursuant to the statute in that case made and provided, to denote the charging of the several duties by the statutes in that case made and provided, chargeable upon linens printed, painted, stained, or dyed, in Great Britain as aforesaid, and payable to and for the use of our said lord the king, thereby to defraud our said lord the king for and upon the said pieces of linen so printed, stained, painted, and dyed, in Great Britain aforesaid, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown aad dignity. And the jurors aforesaid upon their oath aforesaid further present, that the said D. R. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and contriving and wickedly intending our said

2d Count, for counterfeiting and resembling the impressions.

said lord the king craftily, falsely, deceitfully, and feloniously to deceive and defraud of the duties payable to and for the use of our said lord the king, by the statute in that case made and provided, and upon the other pieces of linen, printed, stained, painted, and dyed, in Great Britain, on the tenth day of September, in the twenty-third year of the reign of our said lord George the Third, now king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, falsely, deceitfully, and feloniously, did counterfeit and resemble upon each of the said last-mentioned pieces of linen, such linens being then and there linens painted, stained, printed, and dyed, in Great Britain, and not being linens dyed throughout of one colour only, and then and there being linens chargeable by the statute in that case made and provided with duties payable for the same, and for the use of our said lord the king, the impression of a certain stamp then and there provided by the commissioners of excise for the time being, appointed for the managing of such duties for the time being, by the statutes in that case made and provided, chargeable on linens printed, stained, painted, or dyed, in Great Britain aforesaid, and payable to and for the use of our said lord the king, thereby to defraud our said lord the king of the said duties by virtue of the said statutes payable to our said lord the king upon the said last-mentioned pieces of linen, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity. GEO. WOOD.

Indictment against an attorney for forgery, in altering the figures on counsel's brief, in a cause before the lord chancellor.

REX *against* WELDON. } MIDDLESEX, to wit. The jurors of our lord the king upon their oaths present, that Philip Weldon, late of the said county of Middlesex, gentleman, on the day of , in the year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish of did forge and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, a certain receipt and acquittance for money, purporting to be a receipt and acquittance from and under the hand of James Mansfield, esquire, counsellor at law, for a fee and sum of three guineas of lawful money of Great Britain, paid by the said P. to the said J. M. with a certain brief, upon a certain petition to the right honourable the lord high chancellor of Great Britain, in the matter of Robert Welgrove a bankrupt, on the part and behalf of Henry Tipping and Robert Heapy; which said receipt and acquittance, so falsely made, forged, and counterfeited, is in the words and figures following, *viz.* (state the indorsement on the back of the brief as altered), with intention to defraud the said H. T. and R. H. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, and against the form of the statute in such case made and provided. And the jurors aforesaid upon their oath aforesaid further present, that the said P. W. on the said day of in the

2d Count.

the ſaid year of the reign of our ſaid lord the king, at the pariſh of , in the ſaid county of Middleſex, had in his cuſtody and poſſeſſion a certain other falſe, forged, and counterfeited receipt and acquittance for money, purporting to be a receipt and acquittance from and under the hand of the ſaid J. M. eſquire, counſellor at law, for another fee and ſum of three guineas of like lawful money as aforeſaid, to the ſaid J. M. with a certain other brief upon a certain other petition to the ſaid lord high chancellor of Great Britain, in the matter of R. W. a bankrupt, on the part and behalf of H. T. and R. H. and which ſaid laſt-mentioned falſe, forged, and counterfeited receipt and acquittance is in the words and figures following, *viz.* (ſtate Mr. M.'s brief with the other alterations) with intention to defraud the ſaid H. T. and R. H. to the evil example of all others in the like caſe offending, againſt the peace of our ſaid lord the king, his crown and dignity, and againſt the form of the ſtatute in ſuch caſe made and provided.

3d Count. And the jurors aforeſaid upon their oath aforeſaid further preſent, that the ſaid P. W. as having the ſaid laſt-mentioned falſe, forged, and counterfeited receipt and acquittance in his hands, cuſtody, and poſſeſſion, on the ſaid day of , in the ſaid year of the reign aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, the ſaid laſt-mentioned falſe, forged, and counterfeited receipt and acquittance, did feloniouſly utter and publiſh as and for a true receipt and acquittance under the hand of the ſaid J. M. for the ſum of three guineas as paid to him the ſaid J. M. he the ſaid P. W. at the ſame time when he ſo as aforeſaid uttered and publiſhed the ſaid falſe, forged, and counterfeited receipt and acquittance laſt aforeſaid, then and there well knowing the ſame to be falſe, forged, and counterfeited, with an intention to defraud the ſaid H. T. and R. H. to the evil example of all others in the like caſe offending, againſt the peace of our ſaid lord the king, his crown and dignity, and alſo againſt the form of the ſtatute in ſuch caſe made and provided.

GEO. WOOD.

I am inclined to think, that the forgery in the indictment mentioned is not a capital crime within any of the acts of forgery; if it is within either of them, it muſt be that of the 2. Geo. 2. cap. 25. as an acquittance or receipt for money; and therefore as the indictment is adapted to that act, there is no occaſion for any Counts for altering, as the word is not uſed in that act; and beſides, *altering is forging* It is not right to inſert two diſtinct forgeries in one indictment; and I have heard judges decree, that they would quaſh ſuch an indictment; and therefore I think there muſt be a diſtinct indictment for the forgery upon Mr. Walker's brief, which will run the ſame as this, changing the name and figures. Being of opinion that this will not be deemed a capital forgery, I think it would be adviſable, if this proſecution fails, to indict as for a miſdemeanor, which it certainly is, and in that indictment to lay Counts for forging and uttering a receipt purporting to be a receipt ſubſcribed with the hand and name of J. M. counſellor at law, for a fee given to the ſaid J. M. upon, &c. deſcribing ſo as to bring it within the 3. Jac. 1. cap. 7.

GEO. WOOD.

REX

REX *against* GRAHAM AND HIS WIFE. } MIDDLESEX. The jurors of our sovereign lord the king upon their oath present, that John Graham, late of the parish of St. Margaret, in the county of Middlesex, labourer, and Jane Graham his wife, on the eighth day of June, in the twenty-second year of the reign, &c. having in their possession *a certain Bank note marked No. K.* 87, bearing date at London, the twenty-ninth day of January 1782, signed and subscribed John Boult, for the governor and company of the Bank of England, did promise to pay to Alexander Cowper or bearer, on demand, the sum of fifteen pounds, which said Bank note was then, to wit, on the said eighth day of June, in the twenty-second year aforesaid, in the words, letters, and figures following, that is to say (here insert the original fifteen pounds Bank note), they the said J. G. and J. G. afterwards, that is to say, on the eighth day of June, in the twenty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, *feloniously did alter the said Bank note, by then and there falsely obliterating and defacing the letters* EEN, before printed in the word fifteen in white letters on a black ground underneath the said Bank note, *by then and there falsely making, forging, and counterfeiting upon the said first letters* EEN *before printed in the said word "fifteen" in the said* Bank note the letter Y, and also by then and there falsely making, forging, and counterfeiting upon the said letters "een" before printed in the said word "fifteen," in white letters on a black ground, underneath the said Bank note, another letter, "y," by reason and means of which said obliterating and defacing of the said letters "een" before printed in the said word "fifteen," in white letters on a black ground, underneath the said Bank note, and of falsely making, forging, and counterfeiting upon the said letters "een," before printed in the said word "fifteen," in the said Bank note, the said first letter "y," and also of falsely making, forging, and counterfeiting upon the said letters "een," before printed in the said word "fifteen," in white letters on a black ground, underneath the said black ground, the said other letter "y," the letters "*fift*." so remaining of the said word "fifteen," before printed in the said Bank-note, with the said first letter "y" so falsely made, forged, and counterfeited as aforesaid, did become, import, and signify "fifty;" and the letters "*fift*." so remaining of the said word "fifteen," before printed in white letters on a black ground, underneath the said Bank note, with the said other letter "y" so falsely made, forged, and counterfeited as aforesaid, did become, import, and signify "fifty," which said altered Bank note is now in the words and figures following, that is to say (here insert a correct copy of the note as altered, and purporting to be a fifty pound Bank note) with intent to defraud the governor and company of the Bank of England, and against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity. And the

Indictment against John Graham and Jane his wife for forgery. The 1st Count charges, that defendants having in their custody and possession a Bank note for fifteen pounds did feloniously alter the same, by obliterating the letters EEN in the word fifteen, and forging thereon the letter Y, by which the note was made to purport a fifty pounds Bank note, in order to defraud the Governor and Company of the Bank of England.

2d Count differs from the first only by charging the offence to have been committed with intent to defraud C. Bouchen and Calderson.

the jurors aforesaid upon their oath aforesaid further present, that the said J. G. and J. G. afterwards, that is to say, on the said eighth day of June, in the twenty second year aforesaid, having in their custody and possession a certain other Bank note, marked No. K, 87, bearing date at London, the twenty-ninth day of January 1782, signed and subscribed John Boult, for the governor and company of the Bank of England, did promise to pay to Abraham Cowper or bearer, on demand, the sum of fifteen pounds, which said last-mentioned Bank-note was then, to wit, on the said eighth day of June, in the twenty-second year aforesaid, in the words, letters, and figures following, that is to say (here insert the original fifteen pounds Bank note), they the said J. G. and J. G. afterwards, that is to say, on the eighth day of June, in the twenty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, feloniously did alter the said last-mentioned Bank note, by then and there falsely obliterating and defacing the letters "een," before printed in the word "fifteen" in the said last-mentioned Bank note, and also the letters "een," before printed in the word "fifteen," in white letters on a black ground, underneath the said Bank note, by then and there falsely making, forging, and counterfeiting upon the said first letters "een," before printed in the word "fifteen" in the said Bank note, the letter "y," and also by then and there falsely making, forging, and counterfeiting upon the said letters "een," before printed in the word "fifteen," in white letters on a black ground, underneath the said Bank note, another letter "y;" by reason and means of which said obliterating and defacing, the said letters "een," being before printed in the said word "fifteen," on the said Bank note, and also the letters "een," being before printed in the said word "fifteen," in white letters on a black ground, underneath the said Bank note, and of falsely making, forging, and counterfeiting upon the said letters "een," before printed in the said word "fifteen," in white letters on a black ground, underneath the said last-mentioned Bank note, the said other letter "y," the letters "fift." so remaining of the said word "fifteen," before printed in the said last-mentioned Bank note, with the said first letter "y," so falsely made, forged, and counterfeited as aforesaid, did become, import, and signify "fifty," and the letters "fift." so remaining of the said "fifteen," before printed in white on a black ground, underneath the said last-mentioned Bank note, with the said other "y" so falsely made, forged, and counterfeited as aforesaid, did become, import, and signify "fifty;" which said altered Bank note is in the words, letters, and figures following, that is to say (here insert a correct copy of the note as altered, and purporting to be for fifty pounds) with intent to defraud C. B. and C. A. against the form of the statute, &c. and against the peace of, &c.

3d Count, for feloniously and knowingly disposing of and putting away an altered Bank note as a true one, to defraud the Bank.

And the jurors aforesaid upon their oath aforesaid say, that the said J. G. and J. G. afterwards, that is to say, on the said eighth day of June, in the twenty-second year aforesaid, having in their custody

and

and possession a certain altered Bank note, marked No. K. 87, with the name of John Boult thereunto subscribed, purporting to bear date at London, the twenty-ninth January 1782, and to have been signed by John Boult for the governor and company of the Bank of England, for the payment of the sum of fifty pounds to A. Cowper or bearer on demand: which said last-mentioned altered Bank note is in the words, letters, and figures following, that is to say (here insert, &c.) they the said J. G. and J. G. afterwards, to wit, on the said eighth June, in the twenty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, feloniously did dispose and put away the said last-mentioned Bank note as and for a true and good Bank note, they the said J. G. and J. G. and each of them, at the said time of disposing and putting away the said last-mentioned altered Bank note, then and there well knowing the same Bank note to be altered with intent to defraud the governor and company of the Bank of England, against the form, &c. and against the peace, &c. (4th Count exactly the same as the third, only with intent to defraud C. B. and C. A. instead of the Bank.) And the jurors aforesaid upon their oath aforesaid further present, that the said J. G. and J. G. on the said eighth June, in the twenty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, feloniously did forge and counterfeit a certain other Bank note marked No. K. 87, with the name of J. B. thereunto subscribed, purporting to bear date at London, the twenty-ninth January 1782, and to have been signed by one J. B. for the governor and company of the Bank of England for the payment of the sum of fifty pounds to A. Cowper or bearer on demand, the tenor of which said forged and counterfeited Bank note is as followeth, that is to say (here insert, &c.) with intent to defraud the governor and company of the Bank of England, against the form, &c. and against the peace, &c. (6th Count exactly the same as the 5th, only with intent to defraud C. B. and C. A. instead of the Bank.) And the jurors aforesaid upon their oath aforesaid further present, that the said J. G. and J. G. afterwards, that is to say, on the eighth day of June, in the twenty-second year aforesaid, having in their custody a certain other forged, &c. No. K. 87, with the name of J. B. &c. purporting to bear date at London, the twenty-ninth January 1782, and to have been signed by the said J. B. for the governor and company of the Bank of England, for payment of the sum of fifty pounds to A. C. or bearer on demand, the tenor of which said last-mentioned Bank note is as followeth, that is to say (here insert, &c. as before) they the said J. G. and J. G. afterwards, that is to say, on the said eighth June, in the twenty-second year aforesaid, with force and arms, at, &c. feloniously did dispose of and put away the said last-mentioned forged and counterfeited Bank note as and for a good and true Bank note, they the said J. G. and J. G. and each of them, at the said time of disposing and putting away the said last mentioned forged and counterfeited Bank note, then and there well knowing the same Bank note to be forged

4th Count like the 3d, to defraud C. B. and C. A.

5th Count for forging a Bank note.

6th Count like the 5th, to defraud C. B. and C. A.

7th Count, for disposing and putting away, to defraud the Bank.

forged, and counterfeited with intent to defraud the governor and company of the bank of England, and againſt the peace, &c. (8th count, the like, but to defraud, C. B. & C. A.)

The defendant was found guilty at the Old Bailey, September Seſſions, 1782.

Indictment for forging a bill of exchange and ſeveral indorſements.

LONDON, *ſſ.* The jurors of our lord the king, upon their oath preſent that *B. G. late of the city of London, labourer*(*a*), on the firſt day of February, in the twenty-ſixth year of the reign of our lord George the third, now king of Great Britain, &c, with force and arms, &c. at London, that is to ſay, *in the pariſh of St. Bridget, otherwiſe St. Bride, in the ward of Faringdon Without,* in London aforeſaid, upon a certain bill of exchange, for payment of money, commonly called an inland bill of exchange, ſubſcribed with the name of J. C. bearing date at Mancheſter, the fifteenth day of December, in the year of Our Lord 1785, directed to certain perſons in the ſaid bill of exchange, named by the name and deſcription of Meſſrs. Samuel Clarke, Son, and Company, Morley, near Leeds, Yorkſhire, by which ſaid bill of exchange the ſaid J. C. required the ſaid perſons, ſo in the ſaid bill of Exchange deſcribed, by the name and ſtile of Meſſrs. S. C. Son, and Company, two months after date, to pay to the order of J. W. fifteen pounds ten ſhillings, value received, as adviſed by the ſaid J. C. *feloniouſly*, did falſely make, forge, and counterfeit, and cauſe, and procure to be falſely made, forged, and counterfeited, and did willingly act and aſſiſt in the falſe making, forging, counterfeiting, an indorſement of the ſaid bill of exchange, in the name of one J. B. as the perſon to whom the ſaid bill of exchange had been previouſly indorſed, and made payable by one J. C. as the indorſee of the ſaid J. W. the perſon to whoſe order the ſaid laſt mentioned bill of exchange is made payable, purporting to be an aſſignment of the ſaid bill of exchange, by and under the hand of the ſaid J. B. with intention to defraud the ſaid J. B. againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our lord the king, his crown and dignity: *And* the jurors aforeſaid, upon their oath aforeſaid, do further preſent that the ſaid B. G. afterwards, to wit, on the ſaid firſt day of February, in the twenty-ſixth year of the reign aforeſaid, with force and ams, &c. at London aforeſaid, in the pariſh and ward aforeſaid, upon the ſaid bill of exchange, for payment of money, feloniouſly did falſely make, forge, and counterfeit, and cauſe, and procure to be falſely made, forged, and counterfeited, and did willingly act and aſſiſt in the falſe making, forging, counterfeiting, and indorſement of the ſaid bill of exchange, in the name of one J. M. as the perſon to whom the ſaid bill of exchange had been previouſly indorſed, and made payable by one J. B. as the indorſee of one J. C. as the indorſee of the ſaid J. W. the ſaid perſon to whoſe order the ſaid laſt mentioned bill of exchange is made payable, purporting to be an aſſignment of the ſaid bill of exchange, by and under the hand of the

1st Count, forging the indorſement of J. B. to defraud T. P. ſtating the intermediate indorſements.

2d Count, J. M. to defraud J. P.

(*a*) The addition is neceſſary in indictments in order to ſue to outlawry 2. Inſt. 670. by ſt. H. 5. c. 5. though not required at common law, H. Bl. Rep. 34.

ſaid

said J. M. with intention to defraud T. P. against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: *And* the jurors aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, at L. aforesaid, in the parish and ward aforesaid, with force and arms, &c. upon a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name of J. C. bearing date at Manchester, the fifteenth day of December, in the year of Our Lord 1785. directed to certain persons in the said last-mentioned bill of exchange, named by the name and description of Messrs. S. C. Son, and Co. Morley, near Leeds, Yorkshire, by which said last-mentioned bill of exchange, the said J. C. required the said persons, so in the said last-mentioned bill of exchange described, by the name and stile of Messrs. S. C. Son, and Co. two months after date, to pay to the order of one J. W. in the said last-mentioned bill of exchange, mentioned by the name of J. W. fifteen pounds ten shillings, value received, as advised by the said J. C. feloniously, did falsely make, forge, and counterfeit, and cause, and procure to be falsely made, forged, and counterfeited, and did willingly aid and assist in the false making, forging, and counterfeiting an indorsement of the said last-mentioned bill of exchange, in the name of J. B. as the person to whom, the said last-mentioned bill of exchange had been previously duly indorsed and made payable, purporting to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said J. B. with intention to defraud J. P. against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: *And the jurors* aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, with force and arms, &c. at L. aforesaid, in the parish and ward aforesaid, upon the said last-mentioned bill of exchange for payment of money, commonly called an inland bill of exchange, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, and did willingly act and assist in the false making, forging, and counterfeiting an indorsement, on the said last-mentioned bill of exchange, in the name of one J. M. as the person to whom the said last-mentioned bill of exchange had been previously and duly indorsed and made payable, purporting to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said J. M. with intention to defraud J. P. against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: *And the jurors* aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February in the twenty-sixth year of the reign aforesaid, at L. aforesaid, in the parish and ward aforesaid, with force and arms, &c. feloniously did utter and publish as

3d Count, J. B. to defraud J. P. omitting intermediate indorsements.

4th Count, J. M. to defraud T. P.

5th Count, uttering as true, same as 1st Count.

as true, a certain false, forged, and counterfeited indorsement of a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name of J. C. bearing date at M. the thirteenth day of December, in the year of Our Lord 1785, directed to certain persons in the said last-mentioned bill of exchange, named by the name and description of Messrs. S. C. Son and Co. Morley, near Leeds, Yorkshire, by which said last-mentioned bill of exchange, the said J. C. required the said persons, so in the said last-mentioned bill of exchange described, by the name and stile of Messrs. S. C. Son and Co. two months after date to pay to the order of J. W. in the said last-mentioned bill of exchange, named by the name of J. W. fifteen pounds ten shillings value received, as advised by the said J. C. which said false, forged, and counterfeited indorsement of the said last-mentioned bill of exchange, is in the name of J. B. as the person to whom the said last-mentioned bill of exchange had been previously indorsed, and made payable by one J. C. as the indorsee of the said J. W. the person to whose order the said last-mentioned bill of exchange is made payable, and purports to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said J. B. with the intention to defraud T. P. (he the said B. G. when he so uttered and published as true the said last-mentioned false, forged, and counterfeited indorsement of the said last-mentioned bill of exchange, well knowing the said indorsement to be false, forged, and counterfeited), against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: *And* the jurors aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, at L. aforesaid, in the parish and ward aforesaid, with force and arms, &c. feloniously did utter and publish as true, a certain other false, forged, and counterfeited indorsement of a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name of J. C. bearing date at M. the fifteenth day of December, in the year of Our Lord 1785, directed to certain persons in the said last-mentioned bill of exchange, named by the name and description of Messrs. S. C. Son and Co. Morley, near Leeds, Yorkshire, by which said last-mentioned bill of exchange the said J. C. required the said persons so in the said last-mentioned bill of exchange, described by the name and stile of Messrs. S. C. Son and Co. two months after date, to pay to the order of J. W. in the said last-mentioned bill of exchange, named by J. W. fifteen pounds ten shillings, value received, as advised by the said J. C. which said last-mentioned false, forged, and counterfeited indorsement of the said last-mentioned bill of exchange, is in the name of one J. M. as the person to whom the said last-mentioned bill of exchange had been previously indorsed, and made payable by one J. B. as the indorsee of one J. C. as the indorsee of the said J. W. the person to whose order the said last-mentioned bill of exchange

6th Count, uttering as true, same as ad Count.

exchange is made payable, purporting to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said I. M. with intention to defraud T. P. (he the said B. G. when he so uttered and published as true the said last-mentioned false, forged, and counterfeited indorsement, of the said last-mentioned bill of exchange, well knowing the same indorsement to be false, forged, and counterfeited) against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, at L. aforesaid, in the parish and ward aforesaid, with force and arms, &c. feloniously did utter and publish as true, a certain other false, forged, and counterfeited indorsement of a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name of J. C. bearing date at M. the fifteenth day of December, in the year of Our Lord 1785, directed to certain persons in the said last-mentioned bill of exchange, named by the name and description of Messrs. S. C. Son, and Co. Morley, near Leeds, Yorkshire, by which said last mentioned bill of exchange, the said J. C. required the said persons, so in the said last mentioned bill of exchange, described by the name and style of Messrs. S. C. Son, and Co. two months after date, to pay to the order of one J. W. in the said last-mentioned bill of exchange, mentioned by the name of Joseph W. fifteen pounds ten shillings, value received, as advised by the said J. C. which said last-mentioned false, forged, and counterfeited indorsement of the said last-mentioned bill of exchange *is in the name of one J. B.* as the person to whom the said last-mentioned bill of exchange had been previously duly indorsed, and made payable, and purports to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said J. B. with intention to defraud T. P. (he the said B. G. when he so uttered and published as true, the said last-mentioned false, forged, and counterfeited indorsement, of the said last-mentioned bill of exchange, well knowing the same indorsement to be false, forged, and counterfeited), against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: *And the jurors* aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, with force and arms, &c. at London aforesaid, in the parish and ward aforesaid, feloniously did utter and publish as true, a certain other false, forged, and counterfeited indorsement of a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name J. C. bearing date at M. the fifteenth day of December, in the year of Our Lord 1785, directed to certain persons in the said last-mentioned bill of exchange, mentioned by the name and description of Messrs. S. C. Son

7th Count, uttering as true, same as 3d.

8th Count, uttering as true, &c. same as 4th Count.

Son and Co. Morley, near Leeds, Yorkſhire, by which ſaid laſt-mentioned bill of exchange, the ſaid J. C. required the ſaid perſons, ſo in the ſaid laſt-mentioned bill of exchange deſcribed by the name and ſtile of Meſſrs. S. C. Son and Co. two months after date, to pay to the order of one J. W. in the ſaid laſt-mentioned bill of exchange, mentioned by the name of J. W. fifteen pounds ten ſhillings, value received, as adviſed by the ſaid J. C. which ſaid laſt mentioned falſe, forged, and counterfeited indorſement of the ſaid laſt-mentioned bill of exchange, *is in the name of one J. M.* as the perſon to whom the ſaid laſt-mentioned bill of exchange had been previouſly indorſed and made payable, *purporting to be an aſſignment of the ſaid laſt-mentioned bill of exchange, by and under the hand of the ſaid J. M.* with intention to defraud T. P. (he the ſaid B. G. when he ſo uttered and publiſhed as true the ſaid laſt-mentioned falſe, forged, and counterfeited indorſement, of the ſaid laſt-mentioned bill of exchange, well knowing the ſaid indorſement to be falſe, forged, and conterfeited) againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our lord king, his crown and dignity.

It has been objected to this indictment that it is bad for not ſetting out the bill *in hæc verba*, in the counts for *forging the indorſements*, but upon a ſimilar indictment, the priſoner was tried and executed, where the bill was ſet forth at length, though but *inducement*, the *charge being for forging an indorſement*.

Counts in an indictment, for forging an indorſement on a bill of exchange. 5th Count.

AND the jurors aforeſaid, upon their oath aforeſaid, do further preſent that the ſaid John Burton, otherwiſe called William Buck, otherwiſe called John Brewer, on the ſaid fourth day of April, in the twenty-ninth year of the reign aforeſaid, with force and arms, at London aforeſaid, at the pariſh and ward aforeſaid, having in his cuſtody and poſſeſſion a certain bill of exchange, purporting to be drawn by one J. Goodricke, and to bear date at London, the firſt day of April 1789, and to be directed to Meſſrs. Hoare's, Bankers, London, for the payment of eight hundred pounds, to the order of Mr. John Smith, on demand, to be placed to the account of the ſaid Sir John Goodricke, the tenor of which ſaid laſt-mentioned bill of exchange is as followeth, that is to ſay, (ſet out the bill *literatim)*, he the ſaid J. B. otherwiſe called W. B. otherwiſe called J. Brewer, on the ſaid fourth day of April, in the ſaid twenty-ninth year of the reign of our ſaid lord the now king, with force and arms, at London aforeſaid, at the pariſh and ward aforeſaid, feloniouſly did falſely make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited, and did willingly act and aſſiſt in the falſe making, forging, and counterfeiting on the back of the ſaid laſt-mentioned bill of exchange an indorſement of the ſaid bill of exchange, purporting to be an aſſignment of the ſaid laſt-mentioned bill of exchange by the ſaid John Smith, in the ſaid bill of exchange mentioned, to whoſe order the ſum of eight hundred pounds

in the ſaid bill of exchange mentioned, was made payable, which ſaid falſe, forged, and counterfeited indorſement, is as follows, that is to ſay John Smith, with intention to defraud the aforeſaid Henry Hoare, Henry Hugh Hoare, and Charles Hoare, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Burton, otherwiſe called William Buck, otherwiſe called John Brewer, on the ſaid fourth day of April, in the twenty-ninth year aforeſaid, with force and arms, at London aforeſaid, at the pariſh and ward aforeſaid, having in his cuſtody and poſſeſſion a certain bill of exchange, purporting to bear date at London, the firſt day of April 1789, and to have been drawn by one Sir John Goodricke, bart. by the name of J. Goodricke, and to be directed to Meſſrs. Hoare's, bankers, London, for the payment of eight hundred pounds, to the order of Mr. John Smith, on demand, to be placed to the account of the ſaid Sir John Goodricke, the tenor of which ſaid laſt-mentioned bill of exchange is as followeth, that is to ſay (ſet out the bill *literatim et verbatim*) and on the back of which ſaid laſt-mentioned bill of exchange, was made and written a certain falſe, forged, and counterfeited indorſement, purporting to be an aſſignment of the ſaid bill of exchange, by the ſaid John Smith, in the ſaid bill of exchange mentioned, to whoſe order the ſaid eight hundred pounds, contained in the ſaid laſt-mentioned bill of exchange, was made payable, by the ſaid bill of exchange, and which ſaid falſe, forged and counterfeited indorſement, laſt-mentioned, is as followeth, that is to ſay, J. Smith, he the ſaid J. B. otherwiſe called W. B. otherwiſe called J. B. on the ſaid fourth day of April, in the ſaid twenty-ninth year of the reign of our ſaid lord the now king, with force and arms, at London aforeſaid, at the pariſh and ward aforeſaid, feloniouſly did utter and publiſh as true, the ſaid laſt-mentioned falſe, forged, and counterfeited indorſement, ſo made and written upon the ſaid laſt-mentioned bill of exchange, with intention to defraud the ſaid H. H. H. H. H. and C. H. (he the ſaid John Burton, otherwiſe called William Buck, otherwiſe called John Brewer, at the ſaid time, when he ſo uttered and publiſhed the ſaid laſt-mentioned falſe, forged, and counterfeited indorſement, upon the ſaid laſt mentioned bill of exchange, then and there, to wit, on the ſaid fourth day of April, in the twenty-ninth year aforeſaid, at London aforeſaid, at the pariſh and ward aforeſaid, well knowing the ſaid laſt-mentioned indorſement to be falſe, forged, and counterfeited), againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Burton, otherwiſe William Buck, otherwiſe John Brewer, afterwards, to wit, on the ſaid fourth day of

7th Count.

8th Count ſhould be altered agreeably to the 5th Count with the variation of charging the intention to be to defraud Sir J. G. inſtead of Meſſrs. Hoares.

April, in the twenty-ninth year aforesaid, with force and arms, at London aforesaid, to wit, in the parish and ward aforesaid, upon a certain bill of exchange, commonly called an inland bill of exchange, purporting to be subscribed by the said Sir John Goodricke, by the name of J. Goodricke, bearing date at London, the first day of April, 1789, directed to the above-named Henry Hoare, Henry Hugh Hoare, and Charles Hoare, bankers, London, by the name and description of Messrs. Hoares, bankers, London, by which said last-mentioned bill, the said Sir John Goodricke required the said Henry Hoare, Henry Hugh Hoare, and Charles Hoare, to pay to the order of Mr. John Smith, on demand, the sum of eight-hundred pounds, and place the same to the account of the said Sir John Goodricke, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and did willingly act and assist in the false making, forging, and conterfeiting an indorsement of the said last-mentioned bill of exchange, in the name of the aforesaid John Smith, to whom the same money last-mentioned was made payable by the said bill, purporting to be an assignment of the same bill, by and under the hand of the said John Smith, with intention to defraud the aforesaid Sir John Goodricke, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: *And* the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Burton, otherwise William Buck, otherwise John Brewer, afterwards, to wit, on the said fourth day of April, in the twenty-ninth year aforesaid, with force and arms, at London, to wit, at the parish and ward aforesaid, feloniously did utter and publish as true a certain other indorsement, of a certain bill of exchange, commonly called an inland bill of exchange, purporting to be subscribed by the said Sir John Goodricke, by the name of J. Goodricke, and to bear date at London, the first day of April 1789, directed to the above-named Henry Hoare, Henry Hugh Hoare, and Charles Hoare, bankers in London, by the name and description of Messrs. Hoares, bankers, London, by which said last-mentioned bill, the said Sir John Goodricke required the said Henry Hoare, Henry Hugh Hoare, and Charles Hoare, to pay to the order of Mr. John Smith, on demand, the sum of eight hundred pounds, and place the same to the account of the said Sir John Goodricke, which said false, forged, and counterfeited indorsement, purporting to be an assignment of the said bill of exchange, by and under the hand of the said John Smith, to whom the said last-mentioned sum of money was made payable, by the same bill, with intention to defraud the said Sir John Goodricke, (he the said John Burton, otherwise William Buck, otherwise John Brewer, at the said time when he so uttered and published the said last-mentioned indorsement, of the same last-mentioned bill of exchange, then and there well knowing the same indorsement to be false, forged, and counterfeited) against the form of the

8th Count, let this be altered so as to a agree with the 7th Count, only charging the intention to defraud Sir J. G.

the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

I apprehend that the alterations which I have ſuggeſted will make this draft more agreeable to the form in general uſe. W. GARROW.

In all places where the bill itſelf is ſet out, let it be as nearly as poſſible a *fac ſimile* copy of the original.

Indictment for forging a will of copyhold premiſes and perſonalty, to defraud the co-heireſſes at law, who were all married.

LONDON, to wit. The jurors for our lord the king, upon their oath preſent, that N. A. late of Faſhion-ſtreet, Spital-fields, in the county of Middleſex, gentleman, deceaſed, was in his life time, to wit, on the twentieth day of Auguſt, in the year of Our Lord 1791, and long before, and at the time of his death, ſeiſed of and in five ſixth parts undivided of and in three certain copyhold or cuſtomary meſſuages, lands, and tenements, with their appurtenances, ſituate in Stratford Bow, in the county of Middleſex, and held of the lord of the manor of Stebonheath, otherwiſe Stepney, in the ſaid county of Middleſex, according to the cuſtom of the manor of Stebonheath, otherwiſe Stepney, and that the ſaid five ſixth undivided parts of and in the ſaid three copyhold or cuſtomary meſſuages, lands, and tenements, with their appurtenances, on the death of the ſaid N. A. inteſtate, by the cuſtom of the ſaid manor of Stebonheath, otherwiſe Stepney, would have deſcended to the heir or heireſſes at law of the ſaid N. A. and that S. the wife of T. G. of St. James's-ſtreet, in the pariſh of St James's Weſtminſter, in the county of Middleſex, wine-cooper, M. the wife of C. S. of Cheſhunt, in the county of Hertford, victualler, and Elizabeth the wife of G. P. of Union-ſtreet, in the pariſh of Saint Dunſtan, Stebonheath, otherwiſe Stepney, in the county of Middleſex, yeoman, are the co-heireſſes at law of the ſaid N. A. deceaſed; and that C. M. otherwiſe S. otherwiſe A. late of Faſhion-ſtreet, Spital-fields, in the ſaid county of Middleſex, ſpinſter, G. P. late of Thavies-Inn, in the pariſh of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London, gentleman, and T. F. late of Thavies Inn aforeſaid, in the city of London aforeſaid, gentleman, on the twenty-eight day of September, in the year of Our Lord 1791, at the pariſh of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London aforeſaid, with force and arms, feloniouſly did falſely make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited, and willingly act and aſſiſt in the falſe making, forging, and counterfeiting a certain paper writing, with a ſeal thereto affixed, purporting to be the laſt will and teſtament of the ſaid N. A. deceaſed, and to be ſigned by the ſaid N. A. in his life time, with the name "N. A." and to be ſealed, declared, and publiſhed in his life time, as and for his laſt will and teſtament, the tenor of which falſe, forged, and counterfeited will is as follows, that is to ſay: "This is the laſt will and teſtament of me

"N. A. formerly of Bow, but now of Fashion-street, Spittal-
"fields, in the county of Middlesex, gentleman, being in health
"of body, and of sound and disposing mind and memory, do this
"twentieth day of August, in the year of Our Lord one thousand
"seven hundred and ninety-one, make and ordain this my last
"will and testament, in manner following, that is to say: I give
"and devise unto C. A. otherwise called C. M. now living with me,
"all those my copyhold messuages, lands, tenements, and heredita-
"ments, with the appurtenances, situate, lying, and being, in or
"near Bow aforesaid, and which now are, or late were in the
"several tenures or occupations of W. P. J. S. and R. D. to hold
"the same unto and to the use of the said C. A. otherwise C. M.
"for and during the term of her natural life, and from and after
"her decease, I give and devise the said copyhold messuages, lands,
"tenements, and hereditaments, unto and to the use of T. F.
"of Thavies Inn, London, gentleman, and G. P. of Union-street,
"White Chapel, in the county of Middlesex, yeoman, their
"heirs and assigns: In trust for my daughter S. A. an infant at the
"age of six months, or there-abouts, by the said C. A. otherwise
"C. M. and now living with me, and the heirs of her body law-
"fully to be begotten; but in default of such issue, then I do give
"and devise the same premises, and every part thereof, with the
"appurtenances, unto and to the use of E. P. wife to the said
"G. P. and M. H. of Cheshunt, in Hertfordshire, widow, and to
"their respective heir and assigns, to take as tenants in common,
"and not as joint tenants: And as to all my goods, chattels, ready
"money, debts, and securities for money, plate, household furni-
"ture, and all other my personal estate, whatsoever and wherefo-
"ever, that I shall be possessed of at the time of my decease,
"after payment of my just debts and funeral expences, I give and
"bequeath the same and every part thereof, unto the said C. A.
"otherwise C. M. her executors, administrators, and assigns, to
"and for her own use and benefit absolutely: And I do hereby
"nominate, constitute, and appoint the said C. A. otherwise C. M.
"sole executrix of this my last will and testament, hereby revok-
"ing all former and other wills, by me at any time, heretofore
"made, and do declare this to be my last will and testament; in
"witness whereof, I the said N. A. have to this my will set my
"hand and seal, the day and year first above-written." N. A. (L.S.)

Signed, sealed, declared, and published, by the said N. A. as and for his last will and testament, in the presence of us, who at his request, and in his presence, have subscribed our names as witnesses thereto,

W. P. Thavies Inn,
R. P. Thavies Inn,
T. M.

with intention to defraud the said S. the wife of the said T. G. M. the wife of the said C. S. and E. the wife of the said G. P. of the said copyhold messuages, lands, and tenements, with their appurtenances, against the form of the statute in such case made and provided,

provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said N. A. deceased, was in his life-time, to wit on the twentieth day of August, in the said year 1791, and long before, and at the time of his death, seised of and in five sixth parts undivided of and in three certain other copyhold, or customary messuages, lands, and tenements, with their appurtenances, situate in Stratford Bow, in the county of Middlesex, and held of the lord of the said manor of Stebonheath, otherwise Stepney, according to the custom of the said manor of Stebonheath, otherwise Stepney, and that the said last-mentioned five sixth parts, undivided of and in the said three mentioned copyhold or customary messuages, lands, and tenements, with their appurtenances, on the death of the said N. A. intestate, by the custom of the said manor of Stebonheath, otherwise Stepney, would have descended to the heir and heiresses at law, of the said N. A. and that the said S. the wife of the said T. G. M. the wife of the said C. S. and E. the wife of the said G. P. are coheiresses at law of the said N. A. deceased, and that C. M. otherwise S. otherwise A. G. P. and T. F. on the twenty-eighth day of September, in the said year 1791, at the parish of St. Andrew, Holborn, below the Bars, in the ward of Farringdon Without aforesaid, in the city of London aforesaid, a certain false, forged, and counterfeited paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his life-time, with the name "N. A." and to be sealed, declared, and published by the said N. A. in his life-time, as and for his last will and testament, with force and arms, feloniously did utter and publish as a true will in writing, the tenor of which said false, forged, and counterfeited will is as follows, with intent to defraud the said S. the wife of the said T. G. M. the wife of the said C. S. and E. the wife of the said G. P. of the said last mentioned copyhold messuages, lands, and tenements, with their appurtenances, they the said C. M. otherwise S. otherwise A. G P. and T. F. at the time of uttering and publishing of the said false, forged, and counterfeited will in writing, by them as aforesaid, then and there well knowing the said will to be false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said N. A. deceased, was in his life time, to wit, on the twentieth day of August, in the said year 1791, and long before, and at the time of his death, seised of and in five sixth parts undivided of and in three certain copyhold or customary messuages, lands, and tenements, with their appurtenances, situate in Stratford Bow, in the county of Middlesex, and held of the lord of the said manor of Stebonheath, otherwise Stepney, according to the custom of the said manor of Stebonheath, otherwise Stepney; and that the said last-mentioned five sixth parts, undivided of and in the said three last-mentioned copyhold, or customary messuages, lands,

2d Count, uttering with intention to defraud the coheiresses.

3d Count, with intention to defraud the coheiresses and their husbands.

lands, and tenements, with their appurtenances, on the death of the ſaid N. A. inteſtate, by the cuſtom of the ſaid manor of Stebonheath, otherwiſe Stepney, would have deſcended to the heir or heireſſes at law of the ſaid N. A. deceaſed, and that the ſaid S. the wife of the ſaid T. G. M. the wife of the ſaid C. S. and E. the wife of the ſaid G. P. are the coheireſſes at law of the ſaid N. A deceaſed; and that the ſaid C. M. otherwiſe S. otherwiſe A. G. P. and T. F. afterwards, to wit, on the twenty-eighth day of September, in the ſaid year 1791, at the pariſh of Saint Andrew, Holborn, below the Bars, aforeſaid, in the ward of Farringdon Without aforeſaid, at London, aforeſaid, with force and arms, feloniouſly did falſely make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited, and willingly act and aſſiſt in the falſe making, forging, and counterfeiting a certain falſe, forged, and counterfeited paper writing, with a ſeal thereto affixed, purporting to be the laſt will and teſtament of the ſaid N. A. and to be ſigned by the ſaid N. A. in his life-time, with the name of "N. A." and to be ſealed, declared, and publiſhed, by the ſaid N. A. in his life-time, as and for his laſt will and teſtament, the tenor of which ſaid falſe, forged, and counterfeited will in writing, is as follows, with intent to defraud the ſaid T. G. and S. his wife, C. S. and M. his wife, and G. P. and E. his wife, of the ſaid laſt mentioned five ſixth parts undivided of and in the ſaid three laſt-mentioned copyhold or cuſtomary meſſuages, lands, and tenements, with their appurtenances, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid N. A. deceaſed, was in his life-time, to wit, on the twentieth day of Auguſt, in the ſaid year 1791, and long before, and at the time of his death, ſeiſed of and in five ſixth parts undivided of and in three certain copyhold or cuſtomary meſſuages, lands, and tenements, with their appurtenances, ſituate in Stratford Bow, in the county of Middleſex aforeſaid, and held of the ſaid manor of Stebonheath, otherwiſe Stepney, in the county of Middleſex aforeſaid, according to the cuſtom of the ſaid manor of Stebonheath, otherwiſe Stepney, and that the ſaid laſt-mentioned five ſixth parts undivided of and in the ſaid three laſt-mentioned copyhold or cuſtomary meſſuages, lands, and tenements, with their appurtenances, on the death of the ſaid N. A. inteſtate, by the cuſtom of the ſaid manor of Stebonheath, otherwiſe Stepney, would have deſcended to the heir or heireſſes at law of the ſaid N. A. deceaſed, and that S. the wife of the ſaid T. G. M. the wife of the ſaid C. S. and E. the wife of the ſaid G. P. are the co-heireſſes at law of the ſaid N. A. deceaſed: And that the ſaid C. M. otherwiſe S. otherwiſe A. G. P. and T. F. on the twenty-eighth day of September, in the year 1791 aforeſaid, at the Pariſh of Saint Andrew, Holborn, below the Bars aforeſaid, in the ward of Farringdon Without aforeſaid, at London aforeſaid, a certain falſe, forged, and counterfeited

4th Count, uttering, to defraud the coheireſſes and their huſbands.

terfeited paper writing, with a ſeal thereto affixed, purporting to be the laſt will and teſtament of the ſaid N. A. deceaſed, and to be ſigned by the ſaid N. A. in his life-time, with the name "N A." and to be ſealed, declared, and publiſhed by the ſaid N. A. in his life-time, as and for his laſt will and teſtament, with force and arms, feloniouſly did utter and publiſh as a true will in writing, the tenor of which ſaid falſe, forged, and counterfeited will in writing, is as follows, with intent to defraud the ſaid T. G. and S. his wife, C. S. and M. his wife, and G. P. and E. his wife, of the ſaid laſt-mentioned five ſixth parts undivided, of and in the ſaid three laſt-mentioned copyhold or cuſtomary meſſuages, lands, and tenements, with their appurtenances, (they the ſaid C. M. otherwiſe M. otherwiſe S. otherwiſe A. G. P. and T. F. at the time of the uttering and publiſhing of the ſaid falſe, forged, and counterfeited will in writing, by them laſt aforeſaid, at London aforeſaid, in the pariſh of Saint Andrew, Holborn, below the Bars aforeſaid, in the ward of Farringdon Without aforeſaid, on the twenty-eighth day of September, in the ſaid year 1791, well knowing the ſaid will to be falſe, forged, and counterfeited, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid C. M. otherwiſe S. otherwiſe A. G. P. and T. F. on the ſaid twenty-eighth day of September, in the ſaid year 1791, at the pariſh of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London aforeſaid, with force and arms, feloniouſly did falſely make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited, and willingly act and aſſiſt in the falſe making, forging, and counterfeiting a certain paper writing with a ſeal thereto affixed, purporting to be the laſt will and teſtament of the ſaid N. A. deceaſed, and to be ſigned by the ſaid N. A. in his life-time, with the name "N. A." and to be ſealed, declared, and publiſhed by the ſaid N. A. in his life-time, as and for his laſt will and teſtament, the tenor of which falſe, forged, and counterfeited will is as follows, with intent to defraud the heir or heireſſes at law of the ſaid N. A. deceaſed, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid C. M. otherwiſe S. otherwiſe A. G. P. and T. F. on the twenty-eighth day of September, in the ſaid year 1791, at the pariſh of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London aforeſaid, a certain falſe, forged, and counterfeited paper writing, with a ſeal thereto affixed, purporting to be the laſt will and teſtament of the ſaid N. A. deceaſed, and to be ſigned by the ſaid N. A. in his life-time, with the name "N. A." and to be ſealed, declared, and publiſhed, by the ſaid N. A. in his life-time, as and for his laſt will and teſtament, with force and arms, feloniouſly did

5th Count, to defraud the heir generally.

6th Count, uttering to defraud the heir.

did utter and publish as a true will in writing, the tenor of which said false, forged, and counterfeited will in writing is as follows, with intent to defraud the heir or hieresses at law, of the said N. A. deceased (they the said C. M. otherwise S. otherwise A. G. P. and T. F. at the time of uttering and publishing of the said false, forged, and counterfeited will in writing, by them as aforesaid, then and there well knowing the said will to be false, forged, and counterfeited), against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said C. M. otherwise S. otherwise A. G. P. and T. F. on the said twenty-eighth day of September, in the said year 1791, at the parish of Saint Andrew, Holborn, below the Bars, in the Ward of Farringdon Without, in the city of London aforesaid, with force and arms, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and willingly act and assist in the false making, forging, and counterfeiting a certain paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his life-time, with the name "N. A." and to be sealed, declared, and published by the said N. A. in his life-time, as and for his last will and testament, the tenor of which false, forged, and counterfeited will, is as follows, with intent to defraud the next of kin of the said N. A. deceased, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said C. M. otherwise S. otherwise A. G. P. and T. F. on the twenty-eighth day of September, in the said year 1791, at the parish of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London aforesaid, a certain false, forged, and counterfeited paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. in his life-time, with the name "N. A." and to be sealed, declared, and published by the said N. A. in his life time, as and for his last will and testament, with force and arms, feloniously did utter and publish, as a true will in writing, the tenor of which said false, forged, and counterfeited will in writing, is as follows, with intent to defraud the next of kin of the said N. A. deceased, they the said C. M. otherwise S. otherwise A. G. P. and T. F. at the time of uttering and publishing of the said false, forged, and counterfeited will in writing, by them as aforesaid, then and there well knowing the said will to be false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said N. A. deceased, was in his life-time, to wit, on the twentieth day of August, in the said year 1791, and long before, and

8th Count, with intention to defraud the next of kin.

8th Count, with uttering, to defraud the next of kin.

9th Count, that N. A. died without a will, and stating forgery to be with intention to defraud the person or persons entitled by law to the copyhold.

at

at the time of his death, seised of and in five sixth parts undivided of and in three copyhold or customary lands or tenements, with their appurtenances, situate in Stratford Bow, in the county of Middlesex aforesaid, and held of the lord of the manor of Stebonheath, otherwise Stepney, in the said county of Middlesex, according to the custom of the said manor, and on the twenty-second day of September, in the said year 1791, at Fashion-street, Spitalfields, in the said county of Middlesex, died so seised of and in the said last-mentioned five sixth parts undivided of and in the said three last-mentioned copyhold or customary messuages, lands, and tenements, with their appurtenances, without disposing thereof by his last will and testament to any person or persons whomsoever; and that the said C. M. otherwise S. otherwise A. G. P. and T. F. afterwards, to wit, on the said twenty-eighth day of September, in the year 1791 aforesaid, at London aforesaid, in the parish of Saint Andrew, Holborn, below the Bars aforesaid, in the ward of Farringdon Without aforesaid, with force and arms, feloniously did utter and publish as true a certain false, forged, and counterfeited paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his lifetime with the name "N. A." and to be sealed, declared, and published by the said N. A. in his lifetime as and for his last will and testament, the tenor of which false, forged, and counterfeited will in writing is as follows, with intent to defraud the person or persons who would by law be entitled to the aforesaid last-mentioned copyhold or customary messuages, lands, and tenements, with their appurtenances, whereof the said N. A. died so seised as last aforesaid, they the said C. M. otherwise S. otherwise A. G. P. and T. F. at the time of the uttering and publishing of the said false, forged, and counterfeited will in writing, by them as aforesaid, at London aforesaid, in the parish of Saint Andrew, Holborn, below the Bars aforesaid, in the ward of Farringdon Without aforesaid, on the said twenty-eighth day of September, in the said year 1791, well knowing the said will to be false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

Drawn by Mr. W. Heath.

This indictment was approved of after great consideration by Mr. Serjeant Shepherd and Mr. Fielding on consultation, for the prosecution; but defendants were acquitted for want of evidence.

LARCENY.

Record of an indictment for stealing hay preferred at the quarter sessions; and grand jury's return of "No true bill."

BE it remembered, that at the general quarter sessions of the peace of our sovereign lord the king, holden at the town of Abergavenny,

Abergavenny, in and for the county of Monmouth, on Wednesday the tenth of January, in the twenty-seventh year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, before John Hambury, esquire, and other justices of our said lord the king of the county of Monmouth, and also assigned to hear and determine divers felonies, trespasses, and other misdemeanors committed and done in the said county, George Williams did exhibit and prefer a certain bill of indictment in writing against Edmund William Rees (by the name of Edmund William Rees, late of, &c.) to (name all the grand jury) good and lawful men of the said county, then and there sworn and charged to enquire for our said lord the king for the body of the said county, which said bill

The indictment.

followeth in these words, to wit: "Monmouthshire. The jurors of our lord the king on their oath present, that E. W. Rees, late of, &c. on the first January, in the twenty-seventh year, &c. with force and arms, at the parish aforesaid, in the county aforesaid, a small quantity of hay, of the value of sixpence, of the goods and chattels of one George Williams, then and there being found, then and there feloniously did steal, take, and carry away, against the peace of our said lord the king, his crown and dignity;" and afterwards, to wit, at the same general quarter sessions of the peace of our said lord the king, holden for the county aforesaid, at Abergavenny aforesaid, on the said tenth day of January in the year aforesaid, before the aforesaid justices of our said lord the king and others their fellows aforesaid, the said bill of indictment was by the same jurors above named then and there returned to the said court at the same general quarter sessions of the peace holden in and for the said county, thus indorsed, "No true bill."

Drawn by Mr. Graham.

Indictment for felony against a servant, for embezzling her master's goods delivered to her to keep for her master's use.

ESSEX, *ss.* The jurors for our sovereign lord the now king upon their oaths present, that Elizabeth Bourne, late of the parish of West Ham, in the said county of Essex, spinster, on the day of March, in the seventeenth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. then being a servant to one A. B. *and not an apprentice, or a person within the age of eighteen years*, he the said A. B. did then and there, *upon confidence and trust*, deliver unto his said servant ten pounds weight of beef, ten pounds weight of mutton, ten pounds weight of pork, and forty pounds weight of bread, of the value of thirty shillings, of the goods and chattels of him the said A. B. safely to keep the same goods and chattels to the use of him the said A. B.; and that she the said Elizabeth Bourne afterwards, to wit, on the said day of March, in the seventeenth year aforesaid, with force and arms, at the parish aforesaid, in the said county aforesaid, *did withdraw herself from the said A. B.* her said master, and feloniously did go away with the same goods and chattels, to the intent to steal the same, and defraud the said A. B. her said master thereof,

contrary to the truſt and confidence to her the ſaid Elizabeth Bourne put by the ſaid A. B. her ſaid maſter, againſt the form of the ſtatute in that caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

Record of an indictment for ſtealing ſacks of wheat.

WILTS. Be it remembered, that at the ſeſſion of oyer and terminer of our lord the king, held at New Sarum, in and for the county of Wilts, on Saturday the fourteenth day of March, in the ſeventh year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. before the honourable Sir Henry Gould, knight, one of the juſtices of his majeſty's court of common pleas, the honourable James Hewitt, eſquire, one of the juſtices of his majeſty's court of king's bench, and others their fellows, juſtices of our ſaid lord the king, aſſigned by letters patent of our ſaid lord the king, under his great ſeal of Great Britain, to them the ſaid Sir Henry Gould, James Hewitt, and others, ſome two or more of them, directed (and of whom, ſome or one of them the ſaid Sir Henry Gould, knight, and James Hewitt, eſquire, our ſaid lord the king willed to be one) to enquire more fully the truth, by the oath of good and lawful men of the ſaid county, and by other ways, means, and methods, by which they ſhould or might better know, as well within liberties as without, by whom the truth of the matter might be the better known and enquired into, of all treaſons, miſpriſions of treaſon, inſurrections, rebellions, counterfeitings, clippings, waſhings, falſe coinings, and other falſities of the money of Great Britain, and other kingdoms or dominions whatſoever, and of all murders, felonies, manſlaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, aſſemblies, miſpriſions, confederacies, falſe allegations, treſpaſſes, riots, routs, retentions, eſcapes, contempts, falſities, negligences, concealments, maintenances, oppreſſions, champarties, deceits, and all other evil doings, offences, and injuries whatſoever, and alſo the acceſſaries of them within the ſaid county, as well within liberties as without, by whomſoever, and in what manner ſoever done, committed, or perpetrated, and the ſaid treaſons, and other the premiſes, according to the laws and cuſtoms of England, for this time to hear and determine, by the oath of Thomas Goddard, John Jacob, Charles Penruddock, Charles Penruddock, the younger, Nicholas Elliott, Thomas Bennett, John Awdry, William Wyndham, Doddington Egerton, Edward Poore, the younger, John Methuen Poore, Richard Southby, Edward Scroggs, William Hayler, Thomas Phipps, John Cooper, and William Talk, eſquires, good and lawful men of the ſaid county, then and there ſworn and charged to enquire for our ſaid lord the king for the body of the ſaid county, it is preſented in manner and form following, that is to ſay: "Wilts. The jurors for our lord the king upon their oath preſent, that Richard Byrt, late of the pariſh of Cricklade Saint Sampſon, in the county of Wilts, yeoman, on the twenty-ſixth day of September, in the ſixth year

The indictment.

of

of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, *ten sacks of wheat*, of the value of twelve pounds, of the goods and chattels of one Christopher Saunders, then and there being found, unlawfully and injuriously did seize, take, and carry away, against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid upon their oath aforesaid, do further present, that the said Richard Byrt afterwards, to wit, on the said twenty-sixth day of September, in the sixth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, *two sacks of wheat meal, of the value of* three pounds, of the goods and chattels of one Charles Hooke, then and there being found, unlawfully and injuriously did seize, take, and carry away, against the peace of our said lord the king, his crown and dignity:" *At which* same session of oyer and terminer of our said lord the king, holden at New Sarum aforesaid, in and for the said county, on the said fourteenth day of March, in the seventh year of the reign aforesaid, before the same justices, cometh the said Richard Byrt in his own proper person; and having heard the said *indictment read, says, he is not guilty thereof*, and thereupon puts himself upon the country; and Richard Maddock, esquire, clerk of assize, and clerk of the crown of the said county, who prosecutes for our said lord the king in this behalf, doth the like: *Therefore* the sheriff of the said county is commanded that he do not omit by reason of any liberty in his bailiwick, but that he cause to come before the justices of our lord the king at the next session of oyer and terminer to be holden for the said county, twelve good and lawful men of the neighbourhood of Cricklade Saint Sampson aforesaid, by whom the truth of the matter will be the better known, and who have no affinity to the said Richard Byrt, to recognize upon their oath whether the said Richard Byrt be guilty of the premises in the indictment aforesaid above specified or not, because as well the said Richard Maddock, who, &c. as the said Richard Byrt, have put themselves upon that jury, *the* same day is given to the said parties *at* the same place: at which next session of oyer and terminer of our said lord the king, holden at New Sarum aforesaid, in and for the said county, on Saturday the first day of August, in the seventh year of the reign of our said lord the king aforesaid, before the honourable Sir Joseph Yates, knight, one of the justices of his majesty's court of king's bench, the said James Hewitt, esquire, and others their fellows, justices of our said lord the king, assigned by letters patent of our said lord the king under his great seal of Great Britain, to enquire of all treasons, murders, felonies, and all other evil doings, offences, and injuries whatsoever within the said county, as well within liberties as without, by whomsoever, and in what manner soever done, committed, or perpetrated; and the said treasons, and other the premises, according to the laws and customs of England, for this time to hear and determine, &c. &c.

Ten sacks of wheat.

2d Count, two sacks of wheat meal.

Plea, not guilty.

Award of *venire*.

Dies datus.

MURDER.

MURDER.

REX against TAYLOR. } SURRY, to wit. The jurors for our lord the king, upon their oath, present, that Mary Taylor otherwise Tayler, late of the parish of Wimbledon, in the said county of Surry, wife of John Taylor, otherwise Tayler, on the twenty-first day of March, in the twenty-second year of the reign of our present sovereign lord George the Third, &c. *being big with a certain infant male child, by the providence of God, and solely, and secretly brought forth the said infant male child alive*, from the body of her the said M. T. otherwise T. and that the said M. T. not having the fear of God before her eyes, but being moved and seduced by the instigation of the devil, afterwards, to wit, on the same day and year aforesaid, and as soon as the said infant male child was born, with force and arms, *at the parish of Wimbledon aforesaid*, in the county aforesaid, in and upon the said infant male child, then and there being alive, and then and there being in the peace of God, and of our said lord the king, *feloniously, voluntarily, and of her malice aforethought*, did make an assault, and that the said M. the said infant male child being alive, voluntarily, and of her malice aforethought, did then and there take in both her hands, and the said infant male child, so being alive, then and therewith, both her hands aforesaid, fixed about the neck of the said infant male child, so being alive, feloniously, voluntarily, and of her malice aforethought, did choak and strangle, of which said choaking and strangling of the said infant male child aforesaid, with both the said hands of the said M. the said infant male child, then and there instantly died; and so the jurors aforesaid say that the said M. the said infant male child, in manner and form aforesaid, feloniously, voluntarily, and of her malice aforethought, killed and murdered, against the peace, &c. (2d Count exactly the same as 1st, only stating it to be for the murder of her infant female child, by strangling as in first Count.—3d Count for the murder of a certain infant child by strangling it). And the jurors aforesaid, &c. do further present, that the said M. T. otherwise T. on the twenty-first day of March, in the twenty-second year of the reign aforesaid, being big with a certain other infant male child, &c. &c. did make an assault, and that the said M. the said infant male child last aforesaid, so being alive, did then and there take and carry to a certain shed, part of a certain building, called the workhouse, in the parish aforesaid, and the same infant male child, last aforesaid, so being alive, did then and there in the said shed, feloniously, voluntarily, and of her malice aforethought, hide, secrete, and conceal, and the same infant male child, last as aforesaid, so being alive, and so being hidden, secreted, and concealed, she the said M. did then and there feloniously, voluntarily, and of her own malice aforethought, leave and desert, and to nourish, sustain, and provide for the same infant male child last aforesaid, so being

For the murder of her own male child, by strangling it.

2d Count, for murder of her own *female child*.

3d Count for murder of her own infant child by strangling it.

4th Count, for murder of her own infant male child by hiding and strangling it.

being alive, ſhe the ſaid M. did then and there wholly neglect and refuſe, by reaſon of which, and hiding, ſecreting, and concealing the ſame infant male child, laſt aforeſaid, in manner aforeſaid, by the ſaid M. and of the ſaid refuſal and neglect of the ſaid M. to nouriſh, ſuſtain, or provide for the ſaid infant male child, laſt aforeſaid, ÷ ſo being alive, the ſaid infant male child laſt aforeſaid, then and therein inſtantly died, and ſo the jurors aforeſaid, upon their oath aforeſaid, ſay that the ſaid M. on the ſame day and year laſt-aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, the ſaid infant male child laſt aforeſaid, in manner and form aforeſaid, feloniouſly, voluntarily, and of her malice aforethought, killed and murdered, againſt the peace, &c. (5th Count, for murder of a certain other infant female child, by hiding and ſtarving it: 6th Count, for murder of a certain other infant child, by hiding and ſtarving it.) N. B. put in the words, "to the jurors aforeſaid unknown," in this count, at the ÷ in the 4th Count, &c. And the jurors aforeſaid do further preſent, that the ſaid M. T. otherwiſe T. on the ſaid twenty-firſt day of March, in the ſaid twenty-ſecond year of the reign aforeſaid not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, with force and arms, at the pariſh of W. aforeſaid, in the county aforeſaid, in and upon a certain other infant child, to the jurors aforeſaid at preſent unknown, then and there lately born, and being alive, and then and there being in the peace of God, and of our ſaid lord the king, feloniouſly, &c. did made an aſſault, and that the ſaid M. the ſaid infant child, to the jurors aforeſaid unknown, and being alive, feloniouſly, &c. did then and there take both her hands, and the ſaid infant child laſt aforeſaid, to the jurors aforeſaid, unknown, ſo being alive, then and there with both her hands aforeſaid, fixed about the neck of the ſame infant child, laſt aforeſaid, unknown, ſo being alive, feloniouſly, &c. did choak and ſtrangle, of which ſaid choaking and ſtrangling of the ſaid infant child laſt aforeſaid, to the jurors aforeſaid unknown, with both the hands of the ſaid M. the ſaid infant child laſt aforeſaid, to the jurors aforeſaid unknown, then and there inſtantly died, and ſo the jurors aforeſaid, upon their oath aforeſaid, ſay that the ſaid M. the ſaid infant child laſt aforeſaid, to the jurors aforeſaid unknown, in manner and form laſt aforeſaid, feloniouſly, &c. killed and murdered, againſt the peace, &c. That ſhe made an aſſault upon a certain other infant child, to the jurors aforeſaid unknown, and ſecreted it, &c. (ſtated the ſame as the foregoing).

5th Count for the murder of her own female child by hiding and ſtarving it. 6th Count, for the murder of her own infant child by hiding and ſtarving it. 7th Count.

8th Count.

The defendant was tried at Kingſton, in Surry, at the Summer Aſſizes 1782, and acquitted for want of evidence, to prove the actual delivery, or that the child found was hers.—Aſhhurſt, before whom it was tried, approved of thisindictment.

Indictment againſt defendant for murder, making an aſſault on G. H. and beating him with a ſtick in ſuch a manner, that he died.

MIDDLESEX, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that Edward Quirk, late of &c. in &c. labourer,

&c. labourer, otherwiſe called Edward Kirk, late of the ſame place, labourer, together with a certain other perſon, to the jurors aforeſaid as yet unknown, not having the fear of God before their eyes, but being moved and ſeduced by the inſtigation of the devil, on, &c. in the ninth year, &c. with force and arms, at &c. in &c. in and upon one George Hopkins, in the peace of God, and our ſaid lord the now king, then and there being feloniouſly, wilfully, and of their malice aforethought, did make an aſſault, and that the ſaid perſon, to the jurors aforeſaid yet unknown, with a certain ſtick, of the value of one penny, which the ſaid perſon, ſo to the jurors aforeſaid, as yet unknown, in his right hand, then and there had and held, the ſaid George Hopkins, in and upon the head of him the ſaid G. H. on the right ſide thereof, near to the temple muſcle, then and there feloniouſly, wilfully, and of his malice aforethought, did ſtrike, giving to the ſaid G. H. then and there with the ſtick aforeſaid, by the ſtroke aforeſaid, in manner aforeſaid, in and upon the head of him the ſaid G. H. in the right ſide thereof, near to the temple muſcle, one mortal wound, of the length of two inches, and of the depth of half an inch, of which ſaid mortal wound the ſaid G. H. on and from the ſaid eighth day of, &c. until and upon the third day, &c. in the ninth year aforeſaid, as well at, &c. as at the pariſh of, &c. in, &c. did languiſh, and languiſhing did live, and then and there, that is to ſay, on &c. in the ninth year aforeſaid, at, &c. in &c. he the ſaid G. H. of the mortal wound aforeſaid died, and that the ſaid Edward Quirk, otherwiſe Edward Kirk, feloniouſly, wilfully, and of his malice aforethought, was preſent aiding, helping, abetting, comforting, aſſiſting, and maintaining the ſaid perſon, ſo to the jurors aforeſaid yet unknown, in the felony and murder aforeſaid, in manner and form aforeſaid, to do and commit: And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay that the ſaid perſon, ſo to the jurors aforeſaid, as yet unknown, and the ſaid Edward Quirk, otherwiſe, &c. the ſaid G. H. in manner and form aforeſaid, feloniouſly, wilfully, and of their malice aforethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity.

On this indictment defendant was tried and convicted.

An Indictment for murder on the high ſeas, and the aider and abettor.

CORNWALL, to wit. The jurors for our ſovereign lord the king, upon their oath preſent, that John Clark late of Mevagiſſey, in the county of Cornwall, mariner, and Edward, otherwiſe Ned Hobbins, late of the ſame place, mariner, not having the fear of God before their eyes, but being moved and ſeduced by the inſtigation of the devil, on the twentieth day of Auguſt, in the twenty-eighth year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. with force and arms, in and on board a certain brig or veſſel, called the Ann, whereof one Abraham Campbell, then was maſter and commander, upon the high ſeas, near the coaſt of Cornwall aforeſaid, to wit,

to wit, at Mevagiſſey, in the county of Cornwall, feloniouſly, wilfully, and of their malice aforethought, did make an aſſault, in and upon the ſaid Abraham Campbell, in the peace of God, and our ſaid lord the king, then and there being, and that the ſaid John Clark, and Edward, otherwiſe Ned Hobbins, then and there feloniouſly, wilfully, and of their malice aforethought, did ſtrike, knock down, and with great force and violence, beat, kick, and trample upon the ſaid Abraham Campbell, and did alſo then and there feloniouſly, wilfully, and of their malice aforethought, ſeize and lay hold of, and with great force and violence, ſqueeze and preſs the neck and throat of the ſaid Abraham Campbell, then and there giving unto the ſaid Abraham Campbell, as well by ſtriking, knocking down, beating, kicking, and trampling upon him the ſaid Abraham Campbell, as by preſſing and ſqueezing his neck and throat, in manner and form aforeſaid, ſeveral mortal ſtrokes, bruiſes, and hurts, of which ſaid mortal ſtrokes, bruiſes, and hurts, he the ſaid Abraham Campbell, from the ſaid twentieth day of Auguſt, in the year aforeſaid, until the twenty-firſt day of Auguſt, in the ſame year, as well in and on board of the ſaid brig or veſſel, on the high ſeas aforeſaid, as alſo at Mevagiſſey aforeſaid, in the county aforeſaid, did languiſh, and languiſhing did live, on which ſaid twenty-firſt day of Auguſt, in the twenty-firſt year aforeſaid, the ſaid Abraham Campbell died of the ſeveral mortal ſtrokes, bruiſes, and hurts aforeſaid, to wit, at Mevagiſſey aforeſaid, in the county aforeſaid; and ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid John Clark and Edward, otherwiſe Ned Hobbins, him the ſaid Abraham Campbell, in manner and form aforeſaid, feloniouſly, wilfully, and of their aforethoughts, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Clark, Edward, otherwiſe Ned Hobbins, not having the fear of God before their eyes, on the twentieth day of Auguſt, in the twenty-eighth year aforeſaid, with force and arms, in and on board the ſaid brig or veſſel, called the Ann, whereof the ſaid Abraham Campbell, then was maſter and commander, upon the high ſeas, near the coaſt of Cornwall aforeſaid, feloniouſly, wilfully, and of their malice aforethought, did make an aſſault, in and upon the ſaid Abraham Campbell, in the peace of God, and our ſaid lord the king, then and there being; and that the ſaid John Clark, and Edward, otherwiſe Ned Hobbins, then and there feloniouſly, wilfully, &c. did ſtrike, knock down, and with great force and violence, beat, kick, and trample upon the ſaid Abraham Campbell, then and thereby giving unto the ſaid A. C. ſeveral mortal ſtrokes, bruiſes, and hurts, of which ſaid laſt-mentioned mortal ſtrokes, bruiſes, and hurts, he the ſaid A. C. from the ſaid twentieth day of Auguſt, in the year aforeſaid, until the ſaid twenty-firſt day of Auguſt, in the ſame year, as well as in and on board of the ſaid brig or veſſel, on the high ſeas aforeſaid, as alſo at Mevagiſſey aforeſaid, in the county aforeſaid, did languiſh, and languiſhing

did

did live, on which said twenty-first day of August, in the twenty-eighth year aforesaid, the said Abraham Campbell died of the said last-mentioned several mortal strokes, bruises, and hurts, to wit, at, &c. aforesaid; and the jurors also esaid, upon their oath aforesaid, do say that the said John Clark and Edward, otherwise, Ned Hobbins, him the said A. C. in manner and form last aforesaid, feloniously, wilfully, and of their malice aforethought, did kill and murder, against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that &c. (as in the last count, as far as malice aforethought), did seize and lay hold of, and with great force and violence, squeeze and press the neck and throat of the said Abraham C. then and thereby giving unto the said A. C. several mortal bruises and hurts, of which said last mentioned mortal bruises and hurts, he the said A. C. from the said twentieth day of August, &c. &c. died of the several mortal bruises and hurts last-aforesaid, to wit, at, &c. aforesaid; and so the jurors aforesaid, &c. &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Clark, not having, &c. &c. and that the said John Clark then and there feloniously, wilfully, and of his malice aforethought did strike, knock down, and with great force and violence beat, kick, and trample upon the said A. C.; and did also then and there feloniously, &c. seize and lay hold of, and with great force and violence squeeze and press the neck and throat of the said A. C. then and there giving unto the said A. C. as well by striking, knocking down, beating, kicking, and trampling upon him the said A. C. as well by pressing and squeezing his said neck and throat, in manner and form aforesaid, several mortal strokes, bruises, and hurts, of which said last-mentioned strokes, bruises, and hurts, the said A. C. from the said twentieth August, &c. &c.; and so the jurors aforesaid, upon their oath do say that the said John Clark, him the said A. C. &c. did kill and murder, and that the said Edward, otherwise Ned Hobbins before the said last-mentioned felony and murder was done and committed, in manner and form aforesaid, to wit, on the said twentieth day of August, in the year aforesaid, with force and arms and on board the said brig or vessel, on the high seas, did feloniously, wilfully, and of his malice aforethought, incite, move, procure, counsel, and abet the said John Clark to do and commit the said last-mentioned felony and murder, in manner and form aforesaid, against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Clark, not having, &c. &c. and that the said John Clark, then and there feloniously, &c. did strike, knock down, and with great force and violence, beat, kick, and trample upon the said A. C. then and there, by giving unto the said A. C. several mortal strokes, bruises, and hurts, of which the said A. C. from the said twentieth day of August &c. &c. died of the several mortal strokes, bruises, and hurts last aforesaid, to wit, &c. aforesaid, and so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Clark,

him the ſaid A. C. &c. &c. againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Clark not having, &c. &c. and that the ſaid John Clark, then and there feloniouſly, &c. &c. did ſeize and lay hold of, and with great force and violence, ſqueeze and preſs the neck and throat of the ſaid A. C. then and thereby giving unto the ſaid A. C. ſeveral mortal bruiſes and hurts, of which ſaid laſt-mentioned mortal bruiſes and hurts, the ſaid A. C. from the ſaid twentieth day of Auguſt, &c. &c. died of the ſeveral mortal bruiſes and hurts laſt aforeſaid, to wit, at, &c. aforeſaid; and ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid John Clark, him the ſaid A. C. &c. &c. againſt the peace of our ſaid lord the king, his crown and dignity. *Drawn by* Mr. Tidd.

As the murder in this caſe was not wholly committed at ſea, the priſoners cannot be tried in the Admiralty by ſpecial commiſſion, under the 28. H. 8. c. 15.; but muſt be tried by a jury.

PIRACY.

Indictment for piracy, and running away with a boat, and the tackle, goods, &c.

ADMIRALTY OF ENGLAND. The jurors for our ſovereign lord the king, upon their oath preſent, that John Clark, late of London, mariner, and Edward, otherwiſe Ned Hobbins, late of the ſame place, mariner, on the twentieth day of Auguſt, in the twenty-eighth year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. with force and arms, upon the high ſeas, and within the juriſdiction of the Admiralty of England, that is to ſay, about the diſtance of from they the ſaid John Clark, and Edward, otherwiſe Ned Hobbins, then and there being reſpectively ſubjects of our lord the king, and mariners in and on board of a certain brig or veſſel called the Anne, then and there belonging and appertaining to ——— Manning and ——— Meeke, being ſo reſpectively ſubjects of our ſaid lord the king, and whereof one Abraham Campbell, being alſo a ſubject of our ſaid lord the king, then and there was maſter, did betray the truſt in them repoſed as ſuch mariners, and did then and there, with force and arms, unlawfully turn pirates; and that the ſaid John Clark, and Edward, otherwiſe Ned Hobbins, then and there, upon the high ſeas aforeſaid, and within the juriſdiction aforeſaid, with force and arms, piratically and feloniouſly did ſteal, take, and run away *with* a certain boat and the tackle, apparel, and furniture thereof, of the value of of lawful money of Great Britain, (here ſet forth what the priſoners ran away with belonging to Meſſrs. Manning, &c. and the value of them), of the goods and chattels of the ſaid ——— Manning, and ——— Meeke, then and there found and being in the ſaid brig or veſſel, againſt the

form

form of the ſtatute, &c. and againſt the peace of our ſaid lord the king, his crown and dignity (*a*). And the jurors aforeſaid, upon their oath aforeſaid, do farther preſent, that the ſaid John Clark, and Edward, otherwiſe Ned Hobbins, on the ſaid twentieth day of Auguſt, in the twenty-eighth year aforeſaid, with force and arms, upon the high ſea aforeſaid, and within the juriſdiction aforeſaid, that is to ſay, about the diſtance of from (they the ſaid John Clark, and Edward, otherwiſe Ned Hobbins, then and there being reſpectively ſubjects of our ſaid lord the king, and mariners in and on board of a certain ſhip or veſſel, called the Anne, then and there belonging and appertaining to certain ſubjects of our ſaid lord the king, to the jurors aforeſaid, as yet unknown, and whereof one Abraham Campbell, being alſo a ſubject of our ſaid lord the king, then and there was maſter), did betray the truſt in them repoſed as ſuch mariners, and did then and there, with force and arms, unlawfully turn pirates; and the ſaid John Clark, Edward, otherwiſe Ned Hobbins, then and there upon the high ſea aforeſaid, and within the juriſdiction aforeſaid, with force and arms, piratically and feloniouſly did ſteal, take, and run away with a certain boat and the tackle, apparel, and furniture thereof, of the value of of lawful money of Great Britain (here ſet forth the other goods as above), *of the goods and chattels of certain ſubjects of our ſaid lord the king, to the jurors aforeſaid as yet unknown*, then and there found, and being in the ſaid brig or veſſel, under the care and cuſtody, and in the poſſeſſion of the ſaid Abraham Campbell, as maſter of the ſaid brig or veſſel as aforeſaid, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

Drawn by MR. TIDD.

(*a*) 11. & 12. W. 3. c. 7.

ROBBERY.

Indictment for an highway robbery.

J. THE jurors, &c. for that J. G. late of , labourer, on the day of , with force and arms, at the pariſh aforeſaid, in the kings common highway, therein and upon one W. H. in the peace of God and our ſaid lord the king, in the highway then and there being, then and there feloniouſly did make an aſſault, and him the ſaid W. H. in bodily fear and danger of his life, in the highway aforeſaid, then and there feloniouſly did put, and take one ſilver watch, of the value of four pounds, one ſilver ſeal, of the value of two pence, and twelve pounds in money, of the goods, chattels, and monies of the ſaid W. H. from the perſon of the ſaid W. H. and againſt the will of the ſaid W. H. in the highway aforeſaid, then and there feloniouſly did take and carry away, againſt the peace of, &c.

Indictment for breaking a dwelling house, and stealing to the value of 40s.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath present, that one William Marshall, late of on the twelfth day of January, in the thirty-third year of the reign of our sovereign lord George the Third, king of Great Britain, &c. about the hour of in the noon of the same day, with force and arms, at the parish of St. Mary-le-Bone, otherwise Marybone, in the said county of Middlesex, the dwelling-house of one Elizabeth Hewlett, then and there situate, feloniously did break and enter, and (a) the things stolen, of the value of forty shillings, then of the goods and chattels of the said Elizabeth Hewlett, in the said dwelling-house of the said Elizabeth Hewlett, there situate, then and there being found, feloniously did steal, take, and carry away, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided.

(a) set them out.

2d Count, for stealing, &c. that value, without charging the breaking, 12. Ann. stat. 1. c. 7. s. 1.

And the jurors aforesaid, upon their oaths aforesaid, further present, that the said William Marshall, on the said twelfth day of January, in the thirty-third year of the reign of our sovereign lord the king, with force and arms, at the parish aforesaid, in the county aforesaid (b) (the goods) of the value of forty shillings of the goods and chattels of the said Elizabeth Hewlett, in the dwelling-house of her the said Elizabeth Hewlett there situate, then and there being found, feloniously did steal, take, and carry away, against the peace of our said lord the king, his crown and dignity.

(b) set them out.

3d Count, for stealing, &c. in the house, and putting the owner in fear, 3. & 4. W. & M. c. 9. s. 1.

And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Marshall, on the said twelfth day of January, in the thirty-third year of the reign of our sovereign lord the king, with force and arms, &c. at the parish aforesaid, in the county aforesaid (c) (the goods) of the value of forty shillings of the goods and chattels of the said Elizabeth Hewlett, in the dwelling-house of her the said Elizabeth there situate, then and there being and found, feloniously did steal, take and carry away, and her the said Elizabeth, then and there being in the said last-mentioned dwelling-house, did then and there put in bodily fear of her life, against the peace of our said lord the king, his crown and dignity, and against the form of the statute in such case made and provided.

(c) set them out.

4th Count, for aiding and abetting others to do it, same statute.

And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. M. on the said twelfth day of January, in the thirty-third year of the reign of our said sovereign lord the king, at the parish aforesaid, in the county aforesaid, feloniously did comfort and abet, assist, counsel, hire, and command certain persons, to wit, one John Miller, and divers other persons at present unknown to the jurors aforesaid, feloniously to take away (d) (the goods) of the goods and chattels of the said Elizabeth Hewlett, then and there being found in the dwelling-house of the said E. H. there situate, and also to put in bodily fear of her life her the said E. H. then and there being in the said dwelling-house, and which said last-mentioned goods and chattels, being of the value aforesaid, in the said dwelling-house, they the said John Miller, and the said other persons at present unknown to the

(d) set them out.

the jurors aforesaid, in pursuance of such the said comforting, aiding, abetting, counselling, hiring, and commanding of the said William Marshall, feloniously did then and there take away, and also her the said E. H. then and there being in the said dwelling-house, did then and there put in bodily fear of her life, against the peace of our lord the king, his crown and dignity, and against the form of the statute in such case made and provided. T. BARROW.

ON PARTICULAR STATUTES.

Indictment for putting off counterfeit shillings and sixpences for more than their denominated value.

MIDDLESEX, to wit. The jurors for our lord the king upon their oath present, that *Thomas Deane* (1), late of the parish of , in the county of Middlesex, *labourer* (2), after the fifteenth day of May, which was in the year of Our Lord 1697, to wit, on the *seventh* (3) day of September, in the *twenty-seventh* (4) year of the reign of our sovereign lord George the Third, now king of Great Britain, and so forth, with force and arms, at the parish aforesaid, in the county aforesaid, *sixteen* (5) pieces of false and counterfeit milled money and coin, each and every of them made and counterfeited to the likeness and similitude of a piece of good, legal, and current milled money and silver coin of this realm called a shilling, and *thirty* (6) pieces of false and counterfeit milled money and coin, each and every of them made and counterfeited to the likeness and similitude of a piece of good, legal, and current milled money and silver coin of this realm called a sixpence, the same several counterfeited pieces of money, not being then cut in pieces, then and there unlawfully and feloniously did *put off* to one *Asher Simon* (7), at a lower rate and value than the same several counterfeited pieces of milled money did by their denomination import and were counterfeited for, that is to say, *for one piece of current gold coin of this realm called a guinea, being of the value of twenty-one shillings* (8), against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity. *And the* jurors aforesaid, upon their oath aforesaid, do further present, that the said *Thomas Deane* (9), after the said fifteenth day of May, which was in the year of Our Lord 1697, to wit, on the said *seventh* (10) day of September, in the *twenty seventh* (11) year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, *sixteen* (12) pieces of false and counterfeit milled money, and coin, each and every of them made and counterfeited to the likeness and similitude of a piece of good, lawful, and current milled money and silver coin of this realm called a shilling, and *thirty* (13) pieces of false and counterfeit milled money and coin, each and every of them made and counterfeited to the likeness and similitude of a piece of good, lawful, and current milled money and silver coin of this realm called a sixpence, the same several counterfeited pieces of money, not being then cut in

(1) "Anne Rimes"
(2) "spinster,"
(3) "twenty-second"
(4) "twenty-eighth"
(5) "six"
(6) "six"
(7) "Mary, the wife of Patrick Donohee"
(8) "for two shillings and sixpence in monies numbered"
(9) "Anne Rimes"
(10) "twenty-second"
(11) "twenty-eighth"
(12) "two"
(13) "six"

(1) "Mary, the wife of Patrick Regan"
(2) "two"
(3) "six"
(4) "two shillings and sixpence in monies numbered"

in pieces, then and there unlawfully and feloniously did put off to the said *Asher Simon* (1) at the rate of *sixteen* (2) of such pieces of counterfeited milled money called shillings, and *thirty* (3) of such pieces of counterfeited milled money called sixpences, for *one piece of current gold coin of this realm called a guinea, being of the value of twenty-one shillings* (4), and being at a lower rate and value than the same counterfeited pieces of milled money did by their denomination import and were counterfeited for, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

Indictment for plundering a wreck.

GLAMORGANSHIRE, *ss.* THE jurors for our lord the king upon their oath present, that on the twenty-eighth day of December, in the twenty-second year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, a certain ship called the Caterina, the property of was stranded at the parish of Pyle and Kenfigg, in the county of Glamorgan aforesaid; and that William Harry, late of the parish of Pyle and Kenfigg aforesaid, in the county of Glamorgan aforesaid, butcher, then and there, to wit, on the day and year last aforesaid, with force and arms, at the parish of Pyle and Kenfigg aforesaid, in the said county of Glamorgan, wilfully and feloniously did plunder, steal, take away, and destroy twenty pounds weight of cotton, of the value of twenty shillings, then and there being certain goods and merchandizes, the property of from and belonging to the said ship called the Caterina, so then and there stranded as aforesaid, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Harry, on the said twenty-ninth day of December, in the twenty-second year of the reign of our said lord the king, with force and arms, at the parish of Pyle and Kenfigg aforesaid, in the said county of Glamorgan, twenty pounds weight of cotton, of the value of twenty shillings, then and there being certain goods and merchandize the property of , from and belonging to a certain ship or vessel called the Caterina, belonging to the said , then and there being in distress within his majesty's dominions, to wit, at the parish of Pyle and Kenfigg, in the said county of Glamorgan, then and there feloniously did plunder, steal, and take away, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that on the twenty-eighth day of December, in the twenty second year of the reign of our said lord the now king, a certain ship called the Caterina, the property of , was wrecked, lost, stranded, and cast

on

on ſhore in his majeſty's dominions, to wit, at the pariſh of Pyle and Kenſigg, in the county of Glamorgan aforeſaid; and that William Harry, late of the pariſh of Pyle and Kenſigg, in the county aforeſaid, then and there, to wit, on the day and year aforeſaid, with force and arms, at the pariſh of Pyle and Kenſigg aforeſaid, in the county of Glamorgan aforeſaid, feloniouſly did plunder, ſteal, take away, and deſtroy twenty pounds weight of cotton, of the value of twenty ſhillings, of the goods and merchandize of from and belonging to the ſaid ſhip called the Caterina, ſo then and there being wrecked, ſtranded, and caſt on ſhore as aforeſaid, againſt the form of the ſtatute in that caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

As I have not the facts of the caſe ſtated to me, I cannot make any alteration in the indictment. But the Counts are properly drawn within the words of the act of parliament.

H. HOWARTH.

REX *againſt* BERTHAND. } LONDON. The jurors for our ſovereign lord the king upon their oath preſent, that Mark Groves, of Eaſt Smithfield, in the county of Middleſex, porkman, on the twenty-ſixth day of April, in the twenty-ſecond year, &c. was poſſeſſed of and intitled unto a certain transferrable ſhare, to wit, of and in a capital ſtock of annuities eſtabliſhed by certain acts of parliament, that is to ſay, by an act of parliament made in the twenty-fifth year of the reign of his late majeſty king George the Second, intitled, "An Act for converting the ſeveral "Annuities therein-mentioned into ſeveral joint Stocks of Annui-"ties transferable at the South Sea Houſe;" and by an act made in the twenty-eighth year of his ſaid late majeſty's reign, intitled, "An Act for granting to his Majeſty the Sum of One Million to "be raiſed by a Lottery;" and by another act made in the twenty-ninth year of his ſaid late majeſty, intitled, "An Act for granting "to his Majeſty the Sum of Two Millions, to be raiſed by Way "of Annuities and a Lottery, and charged on the Sinking Fund, "redeemable by Parliament, and for extending to Ireland the Laws "made in this Kingdom againſt private and unlawful Lotteries;" and by another act of parliament made in the thirty-firſt year of, &c. intitled, "An Act for granting to his Majeſty ſeveral Rates "and Duties upon Offices and Penſions, upon Houſes, and upon "Windows or Lights, and for raiſing the Sum of Five Millions "by Annuities and a Lottery, to be charged on the ſaid Rates "and Duties;" and by another act of parliament made in the thirty-ſecond year of, &c. intitled, "An Act for adding certain "Annuities granted in the Year 1757 to the joint Stock of Three "per Cent. Annuities conſolidated by the Acts of the Twenty-"Fifth, Twenty-Eighth, and Twenty-Ninth Years of his preſent "Majeſty's Reign, and for carrying the ſeveral Duties therein-"mentioned to the Sinking Fund, and for charging the Annuities

Indictment for perſonating the proprietor of 100l. conſolidated Bank annuities, and transferring the ſame.

25. Geo. 2. c. 27.

28. Geo. 2. c. 15.

29. Geo. 2. c. 11.

31. Geo. 2. c. 22.

32. Geo. 2. c. 22.

" on single Lives granted in the Year 1757 on the Produce of the
" said Fund;" and by another act of parliament made in the
33. Geo 2. c. 12. thirty-third year of, &c. intitled, " An Act for adding certain
" Annuities granted in the Year 1759 to the joint Stock of Three
" per Cent. Annuities, consolidated by the Acts of the Twenty-
" Fifth, Twenty-Eighth, Twenty-Ninth, and Thirty-Second
" Years of his present Majesty's Reign, and for carrying the
" several Duties therein mentioned to the Sinking Fund, and for
" Cancelling such Lottery Tickets as were made forth in Pur-
" suance of an Act in the Thirtieth Year of the Reign of
" his present Majesty as were not disposed of;" and by another
3. Geo. 3. c. 7. act of parliament, made in the first year of the reign of our present
sovereign lord the king, intitled, " An Act for granting to his
" Majesty an additional Duty upon Strong Beer and Ale, &c and
" for raising the Sum of Twelve Millions by Way of Annuities,
" and a Lottery to be charged on the said Duty, and for furthering
" the Exportation of Strong Beer and Ale;" and by another act
6. Geo. 3. c. 31. of parliament made in the sixth year of our said present sovereign
lord the king, intitled, " An Act for raising the Sum of One
" Million Five Hundred Thousand Pounds by Way of Annuities
" and a Lottery, to be charged on the Sinking Fund;" and by
another act of parliament made in the seventh year of the reign of
7. Geo. 3. c. 24. our present lord the now king, intitled. " An Act for raising the
" Sum of One Million Five Hundred Thousand Pounds by Way
" of Annuities and a Lottery, attended with Annuities to be
" charged on the Sinking Fund;" and by another act of parlia-
8. Geo. 3. c. 31. ment, made in the eighth year of, &c. intitled, " An Act for
" raising a certain Sum of Money by Way of Annuities and a
" Lottery, attended with Annuities to be charged on the Sinking
" Fund, and for carrying certain Duties on Wines, Cyder, and
" Perry, granted by Two Acts of the Third and Sixth Years of
" his present Majesty, to the said Fund;" and by another act of
10. Geo. 3. c. 36 parliament, made in the tenth year of the reign of, &c. intitled,
" An Act for establishing a Lottery, and for other Purposes
" therein mentioned;" and by another act of parliament, made in
16. Geo. 3. c. 14. the sixteenth year of, &c. intitled, " An Act for granting certain
" Duties on Coaches and other Carriages therein mentioned, and
" several Rates and Duties upon Indentures, Leases, Bonds, and
" other Deeds, and upon Cards, Dice, and Newspapers, and for
" raising the Sum of Two Millions by Way of Annuity and a
" Lottery, to be attended with Annuities;" and by another act of
18. Geo. 3. c. 22. parliament, made in the eighteenth year of, &c. intitled, " An Act
" for raising a certain Sum of Money by Way of Annuities, and
" for establishing a Lottery;" and by another act of parliament,
19. Geo. 3. c. 18. made in the nineteenth year of, &c. intitled, " An Act for raising
" a certain Sum of Money by Way of Annuities, and for esta-
" blishing a Lottery;" and by another act of parliament, made in
21. Geo. 3. c. 14. the twenty-first year, &c. intitled, " An Act for raising a certain
" Sum of Money by Way of Annuities and a Lottery, and for
" consolidating

" consolidating certain Annuities which were made one joint Stock " by an Act of Parliament made in the Second Year of, &c. with " certain Annuities consolidated by several Acts made in the " Twenty-Fifth and Twenty-Sixth Years of George the Second, " and the Fifth of his present Majesty;" and by another act of parliament, made in the twenty-second year, &c. intitled, " An " Act for raising a certain Sum of Money by Way of Annuities, " and for establishing a Lottery;" the proprietors of which said annuities, so established as aforesaid, then, to wit, on the twenty-fifth day of April, in the twenty-second year aforesaid, had, in respect of the said annuities, transferable shares in the said capital stock of the said annuities, in proportion to their respective annuities, to wit, at London a oresaid, that is to say, at the parish of Saint Christopher le tock, in the ward of Broad-Street, in London aforesaid; and that he the said M. Groves, on the said twenty-sixth day of April, in the twenty second year aforesaid, was the true and real proprietor of a share in the said annuities, and in respect thereof then and there had the said transferring share above-mentioned of and in the said capital stock of the said annuities And the jurors aforesaid, upon their oath aforesaid, further present, that Henry Berthand, late of London, labourer, well knowing the premises, but wickedly devising and intending the governor and company of the Bank of England to defraud, afterwards, to wit, on the twenty-sixth day of April, in the twenty-second year aforesaid, with force and arms, at London aforesaid, that is to say, at the parish of Saint Christopher aforesaid in the ward of Broad-street, in London aforesaid, falsely, deceitfully, and feloniously did personate the said M. G. the true and real proprietor of the said one hundred pounds share of and in the said capital stock of the said annuities, and thereby did then and there feloniously transfer the said one hundred pounds share of the said M. G. of and in the said capital stock of the said annuities unto one R. B. as if he the said R. B. then was the true and lawful owner of the said one hundred pounds share of and in the said capital stock of the said annuities, against the form, &c. and against the peace, &c. And the jurors aforesaid, upon their oath aforesaid, further present, that the said M. G. on the twenty-sixth day of April, in the twenty-second year aforesaid, was possessed of and entitled to a share, to wit, one hundred pounds share of and in certain transferable annuities established by certain other acts of parliament made in the twenty-fifth year of, &c. (set forth all the acts of parliament as in the first Count); and that the said M. G. on the said twenty-fifth day of April, in the twenty-second year aforesaid, was the true and real proprietor of the said one hundred pounds share of and in the said last-mentioned annuities. And the jurors aforesaid, upon their oath aforesaid, further present, that the said H. B. well knowing the premises, but wickedly devising and intending the governor and company of the Bank of England to deceive and defraud, to wit, on the said twenty-sixth day of April, in the twenty-second year aforesaid, with force and arms, at London aforesaid

22. Geo. 3.

ad Count.

aforesaid, that is to say at the parish of, &c. in the ward of, &c. in London aforesaid, falsely, deceitfully and feloniously did personate the said M. G. the true and real proprietor of the said hundred pound share, of and in the said last mentioned annuities, and thereby did then and there feloniously transfer the said one hundred pounds share of the said M. G. of and in the said last-mentioned annuities, unto one R. P. as if he the said R. B. then was the true and real proprietor of the said one hundred pounds share of and in the said annuities, against the form, &c. and against the peace, &c. And the jurors aforesaid, upon their oath aforesaid, further present, that the said M. G. on the said twenty-sixth of April, in the twenty-second year aforesaid, was possessed of and intitled to a certain other share, to wit, one hundred pounds share, of and in certain annuities, in respect which of the proprietors of the said last-mentioned annuities, then had transferable shares of and in the said capital stock of annuities, established by certain other acts of Parliament, that is to say, by, &c. (set forth all the acts as above), in proportion to their respective annuities, and that he the said M. G. &c. (as in last Count), against the form, &c. and against the peace, &c. (4th Count same as the third).

3d Count.

4th Count.

Defendant was tried in September sessions, 1782, at the Old Bailey, and convicted: Mr. Graves was admitted to give evidence, it appearing that the Bank had replaced his stock, by which his interest in proving that he had not transferred is removed.

MISDEMEANOR.

BURNING DWELLING-HOUSES.

Indictment for arson in setting fire to a floor in a house contiguous to others, with intent to set it on fire.

2d Count for attempting to set his own house on fire.

SURRY. The jurors for our lord the king, upon their oath present, that A. B. late of the parish of S. in the county of S. carpenter, being a person of a wicked mind and disposition, and unlawfully and maliciously, devising and intending to set on fire and burn a certain house belonging to him the said A. B. situate in the parish aforesaid, in the county aforesaid, on the twenty-eighth day of May, in the thirty-third year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully, wickedly, and maliciously did set fire to a certain part of the wooden floor of and belonging to the said house, which said wooden floor was then and there placed on the ground floor of the said house, *which said house was then and there contiguous and near to a certain dwelling house of and belonging to divers of the liege subjects of our said lord the king, situate in the parish aforesaid, in the county aforesaid*, with a wicked intention by means of such setting fire to the said

ſaid part of the ſaid wooden floor, of and belonging to the ſaid houſe, of the ſaid A. B. then and there unlawfully, wilfully, and maliciouſly to ſet on fire and burn the ſaid houſe of the ſaid A. B. *to the great damage, danger, terror, and affrightment of all the liege ſubjects of our ſaid lord the king, near the houſe of the ſaid A. B. then and there inhabiting and dwelling; in contempt of our ſaid lord the king and his laws, to the evil example, &c and againſt the peace, &c.* And the jurors, &c. that the ſaid A. B. being, &c. afterwards, to wit, on, &c. at, &c. unlawfully and maliciouſly did *attempt* then and there *to* ſet on fire *and burn* a certain houſe of the ſaid A. B. ſituate in the pariſh, &c. (conclude this count with the words in Italic in the firſt). ad Count.

N. B. If the houſe was actually on fire, and part burnt, leave out the words in the ad Count in Italic.

MIDDLESEX. The jurors for our lord the king upon their oath preſent, that Elizabeth Wead, late of the pariſh of Saint James, Clerkenwell, in the county of Middleſex, ſinglewoman, being a perſon of a wicked mind and diſpoſition, and not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, on the twenty-firſt day of May, in the twenty-ſixth year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully, wilfully, and maliciouſly did ſet fire to part of the wainſcot of and belonging to a certain room, then being in the occupation of her the ſaid Elizabeth Wead, and then being parcel of the dwelling houſe of Edward Dod, ſituate in a certain ſtreet called Great Bath-ſtreet, in the pariſh aforeſaid, in the county aforeſaid, and which ſaid dwelling-houſe there was contiguous and adjoining to certain other dwelling-houſes, thereof and belonging to divers of the liege ſubjects of our ſaid lord the king, with a wicked intention by means thereof, then and there unlawfully, wilfully, and maliciouſly to burn and conſume the ſaid room, and two other rooms, then and there being in the occupation of her the ſaid Elizabeth Wead, and which ſaid laſt-mentioned rooms then were alſo parcel of the ſaid dwelling-houſe of him the ſaid Edward Dod, to the great damage of the ſaid Edward Dod, to the great danger, terror, and affrightment of all the liege ſubjects of our ſaid lord the king, near the ſaid dwelling houſe of the ſaid Edward Dod, then and there inhabiting and dwelling, in contempt of our ſaid lord the king, and his laws, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid Elizabeth Wead, being ſuch perſon as aforeſaid, afterwards (that is to ſay), on the ſaid twenty-firſt day of May, in the twenty-ſixth year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully, wickedly, and maliciouſly did ſet fire to a certain quantity of gunpowder, (to wit), one ounce

Indictment for ſetting fire to part of the wainſcot of a room in which defendant lodged, in a houſe contiguous to others.

2d Count, for putting gunpowder and combuſtibles in a trunk, in the dining-room.

ounce of gunpowder, then lately before put by her the ſaid Elizabeth Wead, into a certain wooden trunk, among divers combuſtible materials, then being in the ſaid trunk, and which ſaid trunk, then was placed in a certain room, there called the dining room, then and there being in the occupation of her the ſaid Elizabeth Wead, and which ſaid room, called the dining-room, then was parcel of the ſaid dwelling-houſe of him the ſaid Edward Dod, ſituate in a certain ſtreet, called Great Bath ſtreet, in the pariſh aforeſaid, in the ſaid county aforeſaid, and which ſaid dwelling-houſe then was contiguous and adjoining to certain other dwelling-houſes, thereof and belonging to divers of the liege ſubjects of our ſaid lord the king, with a wicked intention by means thereof, then and there unlawfully, wilfully, and maliciouſly to ſet on fire and burn the ſaid room, called the dining room, ſo then being in the occupation of her the ſaid Elizabeth Wead, to the great damage of the ſaid Edward Dod, to the great danger, terror, and affrightment of all the liege ſubjects of our ſaid lord the king near the ſaid dwelling houſe of the ſaid Edward Dod, then and there inhabiting and dwelling, in contempt of our ſaid lord the king, and his laws, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid Elizabeth Wead, being ſuch perſon as aforeſaid, afterwards, (that is to ſay), on the ſaid twenty-firſt day of May, in the twenty-ſixth year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully, wickedly, and maliciouſly did attempt then and there to ſet fire to, and burn and conſume certain rooms, (to wit), three rooms of and belonging to the dwelling-houſe of the ſaid Edward Dod, ſituate in a certain ſtreet called Great Bath-ſtreet, in the pariſh aforeſaid, in the county aforeſaid, and which ſaid laſt-mentioned rooms, then and there were in the occupation of her the ſaid Elizabeth Wead, the ſaid laſt-mentioned dwelling-houſe there being contiguous and adjoining to certain other dwelling houſes, thereof and belonging to divers of the liege ſubjects of our ſaid lord the king, to the great danger and affrightment of all the liege ſubjects of our ſaid lord the king, near the ſaid dwelling-houſe of the ſaid Edward Dod, then and there inhabiting and dwelling, in contempt of our ſaid lord the king and his laws, and againſt the peace of our ſaid lord the king, his crown and dignity.

3d Count for attempting to ſet fire to three other rooms.

I approve of this draft.
V. Gibbs.

Counts of the like ſort, with intention to defraud the Inſurance Company?
I do not think it neceſſary.
V. Gibbs.

Quaere. If neceſſary to add any other

ASSAULT.

Indictment againſt a commander in chief of one of the Eaſt-India provinces, for an aſſault and impriſoning the proſecutor there for ten months

MIDDLESEX. The jurors for our ſovereign lord the king upon their oath preſent, that Sir R. B. late of Weſtminſter, in the

county

county of Middlesex, knight, was heretofore employed in the East Indies, in the service of the united company of merchants of England, trading to the East Indies, commonly called the "East India Company," in a military capacity, that is to say as commander in chief of the said Company's forces, at the fortress of Allahabad, in the province of Allahabad, in the East Indies, and that the said Sir R. B. during the time that he was so employed, to wit, from the tenth of March, in the seventh year of the reign of our sovereign lord the king, was guilty of an offence against one Thomas Davie, one of his majesty's subjects beyond the seas in the East Indies aforesaid, to wit, within his jurisdiction, that is to say at A. aforesaid, for that he the said Sir R. B. then and there, with force and arms, to wit, with swords, staves, and sticks in and upon the said T. D. in the peace of God and our said lord the king then and there being, did make an assault, and him the said T. D. did beat, wound, and ill-treat, so that his life was greatly despaired of, and him the said T. D. then and there with force and arms, unlawfully, injuriously, oppressively, and against the will of him the said T. D. and against the laws of that part of Great Britain called England, without any legal warrant or authority, and without any reasonable or probable cause whatsoever, did imprison, and detain in prison, for a long space of time, to wit, for the space of ten months then next following, that is to say, at Westminster, in the county of Middlesex, and other wrongs to the said T. D. then and there did to the great damage of the said T. D. in contempt of our said lord the king, his crown and dignity, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Sir R. B. was heretofore in the East Indies, in the service of the united company of merchants of England trading to the East Indies, commonly called the "East India Company," in a military capacity, that is to say, as commander in chief of the said company's forces at the fortress of Allahabad, in the province of Allahabad, in the East Indies, and that the said Sir R. B. during the time that he was so employed, to wit, on the tenth day of March in the seventh year aforesaid, was guilty of an offence against the said T. D. one of his majesty's subjects beyond the seas, in the East Indies aforesaid, to wit, within his jurisdiction, that is to say at Allahabad aforesaid, and also at Moughier, in the province of Bahar, in the East Indies, and at Calcutta, in the East Indies, for that he the said Sir R. B. then and there, that is to say at Allahabad aforesaid, with force and arms, to wit, with swords, staves, and sticks, in and upon the said T. D. in the peace of God and of our said lord the king then and there being, did make an assault, and him the said T. D. did then and there beat, wound, and ill-treat, so that his life was greatly despaired of, and him the said T. D. then and there, with force and arms, wrongfully, unlawfully, injuriously, and oppressively, against the will of the said T. D. and against the laws of that part of Great Britain called England, without any legal warrant or authority, and without any reasonable or probable cause whatsoever, did imprison and detain in prison for a long time, to wit,

2d Count.

wit, for the ſpace of ten months then next following, that is to ſay, for a part of the time aforeſaid, to wit, for the ſpace of one month, at Allahabad aforeſaid, for other part of the time aforeſaid, to wit, for the ſpace of ſix months, at Moughier aforeſaid, and for the reſidue of the time aforeſaid, at Calcutta aforeſaid, to wit, at Weſtminſter, in the county of Middleſex, and other wrongs, &c. &c. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Sir R. B. was heretofore employed in the Eaſt Indies, in the ſervice of the united company of merchants of England, trading to the Eaſt Indies, commonly called the "Eaſt India Company," in a military capacity, that is to ſay, as colonel and commander of the third brigade, of the ſaid company's military, on the Bengal eſtabliſhment, at Allahabad aforeſaid, and that the ſaid Sir R. B. during the time that he was ſo employed, to wit, on, &c. was guilty of an offence, &c. (the ſame as the firſt count exactly, 4th count ſame as the ſecond, except as to the ſtating the military capacity of the defendant, which muſt be ſtated as in the 3d count). And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Sir R. B. heretofore, to wit, at the time of the committing the grievances hereinafter mentioned, in the Eaſt Indies, claimed power and authority from the united company of merchants of England, trading to the Eaſt Indies, commonly called the "Eaſt India Company," that is to ſay as commander in chief of the ſaid company's forces at the fortreſs of Allahabad, in the province of Allahabad, in the Eaſt Indies, and that the ſaid Sir R. B. during the time that he ſo claimed ſuch power and authority, to wit, on, &c. was guilty of an offence againſt the ſaid T. D. &c. (as in the firſt count exactly, the 6th, 7th, and 8th counts ſame as 2d, 3d, and 4th reſpectively, with the ſame variations reſpectively between them as between the 1ſt and 5th). And the jurors, &c. preſent, that the ſaid Sir R. B. heretofore, that is to ſay, at the time of the committing the grievances hereinafter, in the Eaſt Indies, claimed power and authority, from certain of his majeſty's ſubjects then reſiding in India, that is to ſay from Henry Verelot, eſquire, then preſident of Fort William in Bengal, in the Eaſt Indies, one of the principal ſettlements in the Eaſt Indies, of the ſaid united company of merchants of England trading to the Eaſt Indies, commonly called the "Eaſt India Company," R. Smith, eſquire, then one of the ſaid company's council, at Fort William, in Bengal aforeſaid, Charles Floyer, eſquire, then one of the ſaid company's council, at Fort William, in Bengal aforeſaid, John Autier, eſquire, then one of, &c. R. Beecher, eſquire, then one of, &c. Alexander James, eſquire then one of, &c. Claud Ruſſel, eſquire, then one of, &c. William Alderney, eſquire, then one of, &c. Thomas Kendal, eſquire, then one of, &c. that is to ſay, as commander in chief of the ſaid company's forces at the fortreſs of Allahabad in the province of Allahabad, in the Eaſt Indies; and that the ſaid Sir R. B. during the time that he claimed ſuch power and authority, as laſt aforeſaid, to wit, on, &c. (as in 1ſt count exactly), the 10th, 11th, and laſt counts the ſame as 2d, 3d, and 4th reſpectively,

3d Count.

5th Count.

9th Count.

respectively, with the same variations respectively between them as between the 1st and 9th). Wherefore the sheriff of the said county of Middlesex was commanded that he should not forbear by reason of any liberty within his bailiwick, but that he should cause him to come to answer to our said lord the king, touching and concerning the premises aforesaid, and now, that is to say, on Thursday next, after the octave of St. Hilary, in this same term, before our said lord the king at Westminster, came the said Sir R. B. knight, by Robert Belt his attorney, and having heard the said indictment read, he says, that he is not guilty thereof, and hereupon he puts himself upon the country; and Sir J. Burrow, knight, coroner and attorney of our said lord the king, in the court of our said lord the king, before the king himself, who for our said lord the king prosecuteth, doth the like.

J. Morgan.

The defendant, in Hilary Term 1777, was found guilty.

Indictment for assaulting a collector of tolls in the execution of his office.

13. Geo. 3. c. 63. s. 39.

EAST RIDING OF THE COUNTY OF YORK. The jurors for our sovereign lord the king, upon their oath present, that Benjamin Johnson, late of the town of Kingston upon Hull, in the county of the same town, mariner, on the fourth of October, in the twenty-seventh year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at Woodnansey turnpike bar, in the parish of St. John, in Beverley, in the East Riding of the county of York, in and upon one John Burril, then and there being one of the collectors and receivers of the monies payable by virtue of a certain act of Parliament, made in the thirteenth year of his present majesty's reign, intitled "an Act "for repairing a Road between the town of Kingston upon Hull "and Beverley, in the East Riding of the County of York," and in the peace of God and our said lord the king, and in the execution of his said office, then and there being, did make an assault, and him the said J. B. did then and there beat, wound, and ill-treat, so that his life was greatly despaired of, and other wrongs to the said J. B. and against the peace of our said lord the king, his crown and dignity, (another count for a common assault, without stating Burril to be collector, &c. or in the exercise of his office); which said indictment, our said lord the king afterwards for certain reasons caused to be brought before him, to be determined according to the law and custom of England, wherefore the sheriff of the said county of York was commanded that he should not forbear by reason of any liberty of his bailiwick, but that he should cause him to come to answer to our said lord the king, touching and concerning the premises aforesaid; and now at this day, that is to say on Friday next, after eight days of St. Hilary, in this same term, before our said lord the king at Westminster, comes the said B. Johnson, by Henry Dealtry his clerk in court, and having

Plea, in abatement, that the offence was committed within the town of Beverley, and shewing by letters patent an exclusive jurisdiction in the corporation of Beverley, to try all offences committed within that town.

having heard the ſaid indictment read, prays judgment thereof, and that the ſame may be quaſhed, becauſe proteſting that he is not guilty of the ſuppoſed offences, in the ſaid indictment ſpecified, or of either of them, the ſaid Benjamin ſays, that the ſaid ſeveral offences, if any ſuch were committed at Woodmanſey turnpike-bar, in the ſaid indictment ſpecified, were committed within the precincts or liberties of the town of Beverley, in the county of York, and not elſewhere; and the ſaid Benjamin further ſays, that the ſaid town of Beverley, from time whereof, &c. hath been and is an ancient town or borough, and the burgeſſes and inhabitants of the ſaid town or borough of Beverley, by virtue of divers incorporations, during all the time aforeſaid, have been and are an ancient corporation and body corporate, which at the time of the granting of the letters patent hereinafter next mentioned, duly conſiſted of twelve governors or keepers of the ſaid town, and the burgeſſes and commonalty thereof, and before the ſurrender hereinafter-mentioned, had been and at the time of ſuch ſurrender remained incorporated, by the name of the mayor, governors, and burgeſſes of the town of Beverley, in the county of York, to wit, at Beverley aforeſaid; and the ſaid Benjamin further ſays, that Henry the Fifth, late king of England, &c. by his letters patent, bearing date at Weſtminſter, the eighteenth of February, in the ſecond year of his reign (and which ſaid letters patent ſealed with the great ſeal of England, the ſaid Benjamin now brings here into court), did for himſelf and his heirs, amongſt other things grant to his beloved, the twelve governors or keepers of the ſaid town of Beverley, the burgeſſes and commonalty of the ſame town, and their ſucceſſors, governors, or keepers, burgeſſes, and commonalty of the town aforeſaid, for ever, that the keepers of the peace, and juſtices aſſigned or to be aſſigned, for the hearing and determining of felonies, treſpaſſes, and other miſdemeanors, or the juſtices of labourers, ſervants, and artificers, in the Eaſt Riding of the county of York, ſhould not by any means interfere within the ſaid town of Beverley, or the precinct of the ſame town, or the liberties thereof, or without, concerning any thing within the ſame town, the precincts or liberties thereof, done or ariſing; and that the aforeſaid governors or keepers of the ſame town, and their ſucceſſors for the time being, or four, three, or two of them, or diſcreet and ſufficient perſons of them ſhould for ever have full correction, puniſhment, power, and authority of taking cognizance, enquiring of, hearing, and determining all manner of things and matters, as well concerning all manner of felonies, treſpaſſes, miſpriſions, and extortions, as concerning all manner of other cauſes and complaints whatſoever, within the aforeſaid town, and the precincts and liberties thereof, in any manner happening or ariſing, as fully and entirely as the keepers of the peace, and the juſtices aſſigned or to be aſſigned, for the hearing and determining of the felonies, and treſpaſſes, and other miſdemeanors, or the juſtices of labourers, ſervants, and artificers, in the Eaſt Riding aforeſaid, without the town, precincts, and liberties aforeſaid,

ſaid, then had, or ſhould thereafter in any manner have, as by the ſaid letters patent, reference being thereunto had, more fully appears; which ſaid letters patent, after the granting thereof, to wit, on the nineteenth of February aforeſaid, at the town of Beverley aforeſaid, were duly accepted by the then twelve governors or keepers, burgeſſes, and commonalty of the ſame town; and the ſaid Benjamin further ſays, that afterwards, to wit, on the eleventh of March, in the firſt year of the reign of James Second, late king of England, &c. the then mayor, governors, and burgeſſes of the town aforeſaid, by writing, under the common ſeal of the town aforeſaid, granted to the ſaid late king James, and into his hands, in his court of chancery at Weſtminſter aforeſaid, in due manner delivered up and ſurrendered all and every the power, franchiſes, liberties, privileges, and authorities whatſoever and howſoever to them granted, and by the before named mayor, governors, and burgeſſes, or by any ſelect number of them exerciſed by virtue of any right, title, or intereſt, in them veſted by any letters patent, cuſtoms, or preſcriptions, in, for, or concerning the electing, nominating, conſtituting, being, or appointing of any perſon or perſons to or for the ſeveral and reſpective offices and places of mayor, governors, and recorder, common clerk, and capital burgeſſes, or to any perſon to a place or office concerning the government of the ſaid town of Beverley, or unto, or for the exerciſe or execution of the ſame or any of them; and the before-named mayor, governors, and burgeſſes of the aforeſaid town of Beverley, by the ſame writing moſt humbly beſought the ſaid late king James to accept their ſurrender aforeſaid, and that he would vouchaſe to regrant to them the aforeſaid mayor, governors, and burgeſſes of his ancient town of B. aforeſaid, the nomination and election of the officers aforeſaid, as alſo the liberties and privileges aforeſaid, or ſo many of them, and in ſuch manner, quantity, and quality as the ſaid late king James might judge moſt conducing to the better government of the ſame town, and under ſuch reſtrictions, reſervations, and qualifications as it might pleaſe him to appoint, as by the ſaid writing of the ſaid inrollment, remaining of record in the court of Chancery of our lord the now king at Weſtminſter aforeſaid, reference being thereunto had, more fully appears, which ſaid ſurrender the ſaid king James afterwards, to wit, on the the ſame day and year aforeſaid, at B. aforeſaid, accepted; and the ſaid Benjamin further ſays, that the ſaid late king James by his letters patent, bearing date at Weſtminſter, on the day and year laſt-aforeſaid (and which ſaid laſt-mentioned letters patent ſealed with the great ſeal of England, the ſaid Benjamin now brings here into court), reciting, amongſt other things, that the mayor, governors, and burgeſſes of the ſaid borough, had by ſeveral different names, had, uſed, and enjoyed, and then had, uſed, and enjoyed divers rights, juriſdictions, liberties, franchiſes, acquittances, and privileges, and many other cuſtoms, liberties, immunities, exemptions, and rights, as well by divers charters and letters patent, of divers of the late king James's pro-

(a) To the juriſdiction.

genitors and anceſtors, then late kings and queens of England, as by reaſon of divers preſcriptions and cuſtoms had and uſed in the ſame town, from time whereof, &c.; and alſo reciting the ſurrender hereinbefore-mentioned, the ſaid late king James willing, amongſt other things, that for ever thereafter there ſhould be had one certain and undoubted method in the ſame town, of and for the keeping of the king's peace, there did by his ſaid letters patent, amongſt other things for himſelf, his heirs, and ſucceſſors, will, ordain, conſtitute, grant, and declare that the town of B. aforeſaid, might and ſhould be and remain thereafter for ever a free town of itſelf, and that the burgeſſes and inhabitants of the town aforeſaid, thereafter for ever ſhould be one body corporate and politic really and fully, the ſaid late king James, for himſelf his heirs, and ſucceſſors, did elect, make, ordain, conſtitute, and confirm by his ſaid letters patent, and that by the ſame name they ſhould have perpetual ſucceſſion: And further the ſaid late king James willed for himſelf, his heirs, and ſucceſſors, by his ſaid letters patent granted and confirmed, that thereafter for ever there might and ſhould be in the town aforeſaid, one mayor, twelve aldermen in number only, and thirteen capital burgeſſes of the better and more honeſt burgeſſes and inhabitants of the town aforeſaid, in manner in his ſaid letters patent ſpecified to be elected and conſtituted, and after thereby among other things conſtituting and nominating certain perſons in ſuch letters patent reſpectively named, to the ſeveral offices of mayor, aldermen, and recorder, and preſcribing their continuance in thoſe reſpective offices and ſtations, and directing an oath of office to be taken by the mayor and aldermen of the ſaid town, and by and before whom the ſame ſhould be adminiſtered; and alſo thereby appointing the times and modes of electing new mayors, aldermen and recorders, in the ſeveral caſes of death, removal, or expiration of offices, and the qualifications requiſite for each of thoſe offices, the ſaid late king James willed, and did for himſelf, his heirs, and ſucceſſors, ordain and grant by his ſaid letters patent, that the ſaid town of *B.* and the circuit, precincts, and juriſdictions thereof, ſhould thereafter be, extend, and reach, and they were thereby authorized and empowered to extend and reach, as well in length and breadth as in circuit and precinct, to ſuch the like and ſuch ſort of bounds, marks, and limits to which and ſuch as the aforeſaid town of B. and the circuit, precinct and juriſdictions, had from time whereof, &c. or at any other time before the date of his ſaid letters patent, been accuſtomed to extend and reach; and the ſaid late king James for the better keeping his peace within the town aforeſaid, and for the rule and government of his people there being, and others thither reſorting, did of his ſpecial grace, certain knowledge, and mere motion, grant to the aforeſaid mayor, burgeſſes, and aldermen of the town aforeſaid, and their ſucceſſors, by the ſaid letters patent, that the mayor and recorder of the town aforeſaid, for the time being and during the time in which they ſhould ſeverally happen to be in their offices, and alſo all and ſingular

gular the aldermen of the town aforesaid, for the time being, during the time in which they should remain in the place or office of an alderman of the said town, might be justices, and every one of them might and should be a justice of him the said late king James, his heir and successors, to keep and preserve, and cause to be kept and preserved the peace of him the said late king James, his heirs and successors, within the town aforesaid, and the circuits, precincts, and limits of the same, and to keep and correct, or cause to be kept and corrected, the statutes concerning artificers and labourers, weights and measures, within the town aforesaid, and in the circuit and precincts thereof, and to do all other things which to justices assigned to preserve and keep the peace, or any of them appertained, or thereafter it should appertain to do; and that the mayor of the town aforesaid for the time being, and the recorder of the said town for the time being, and the aldermen of the said town for the time being, or any three or more of them, of whom the mayor or recorder the said late king James willed to be one, might have full power and authority to enquire after all felons wheresoever taken or to be taken within the town aforesaid, or the liberties and precincts of the same, and also of all manner of felonies, trespasses, misprisons, and other misdemeanors, defaults, and articles whatsoever, within the town aforesaid, and the liberties and precincts thereof, done, moved, and committed, and to be done, moved, and committed, which before the keepers and justices of the peace of any county of his kingdom of England, by the laws and statutes of the same kingdom of England, ought to be or might be enquired of, except nevertheless that the said mayor, recorder, and alderman of the said town for the time being, or their successors, or any of them might not thereafter in any manner proceed to the determination of any treason, murder, or felony touching the loss of life, within the town aforesaid, and the liberties and precincts thereof, without the special mandate and commission of him the said late king James, his heirs, and successors, but nevertheless they might, and were thereby authorized and empowered to enquire of, hear, finish, or determine all and singular other trespasses, offences, misdemeanors, defaults, and articles which to the office of justices of the peace of the town aforesaid, the liberties and precincts thereof, it appertained, to do as fully and absolutely, and in as ample a manner and form as any other justices of the peace of the said late king James, his heirs, or successors, in any county of his kingdom of England, could or might in future be enabled to enquire of, hear, or determine, so that his justices of the peace, or of labourers and artificers in the county of York, should not, nor should any of them thereafter in any manner by any means interfere concerning any felonies, things, causes, matters, defaults, and other articles whatsoever belonging and appertaining to the office of a justice of the peace, or of artificers or labourers within the town of B. or the limits, circuits, or precincts thereof, from whatever cause arising or happening; and the said late king James willed never-

theleſs that the recorder of the town aforeſaid, for the time being, and all and ſingular the aldermen of the town aforeſaid, for the time being, as well then preſent as future, before they ſhould be admitted to the execution of the office of a juſtice of the peace within the town aforeſaid, ſhould, and each and every of them ſhould take a corporal oath for the true and faithful execution of the office of a juſtice of the peace within the town aforeſaid, and the liberties and privileges thereof, and alſo the oaths in that behalf by the laws and ſtatutes of this kingdom of England provided and required to be taken by a juſtice of the peace before the mayor of the town aforeſaid for the time being, and that every mayor of the town aforeſaid, thereafter to be, before he ſhould be admitted to the execution of the office of a juſtice of the peace, there ſhould take the corporal oath aforeſaid before the laſt mayor, his predeceſſor for the time being: wherefore, and for the better adminiſtering and taking of all and ſingular the oaths in his ſaid ſaid letters patent before mentioned and appointed to be taken, the ſaid late king James willed, and by his letters patent did for himſelf, his heirs and ſucceſſors, grant full power and authority to the mayor of the town aforeſaid for the time being, from time to time, for ever, of exhibiting and adminiſtering to the recorder and aldermen, and alſo full power and authority to the laſt mayor for the time being, of exhibiting and adminiſtering to the mayor elect, and of taking ſuch oath as aforeſaid, and alſo the ſeveral and reſpective other oaths by his ſaid letters patent above mentioned and appointed to be taken, according to the true intent and meaning of his ſaid letters patent, without any further or other warrant from him the late king James, his heirs, or ſucceſſors in that behalf, to be procured and obtained; and further, the ſaid late king James, of his pure ſpecial grace, and of his certain knowledge and mere motion, willed, and did for himſelf, his heirs, and ſucceſſors, by his ſaid letters patent, grant and confirm to the before-mentioned mayor, aldermen, and burgeſſes of the town aforeſaid, and their ſucceſſors, all and every the cuſtoms, liberties, and privileges, franchiſes, immunities, acquittances, exemptions, and rights, to them or their predeceſſors, by any name whatſoever, granted by the charters and letters patent of him the ſaid late king James, or any of his predeceſſors, and alſo all and every the ſame and ſuch like lands, tenements, and hereditaments, cuſtoms, liberties, privileges, franchiſes, immunities, acquittances, exemptions, and rights, which to the men and burgeſſes of the town of B. aforeſaid, or any or either of them, by any name or names whatſoever, or by whatever incorporation or pretext of any incorporation they then had or ought to have by reaſon of any charters or letters patent by him the ſaid late king James, or any of his progenitors, kings, and queens of that his kingdom of England, in any manner theretofore made, granted, or confirmed, or by any other lawful means, right, cuſtom, uſage, preſcription, or title, in no wiſe deſtroyed, changed, or altered by his letters patent, as by the ſaid laſt-mentioned letters patent, reference being thereunto had, will more fully appear; which ſaid laſt-mentioned letters patent, after the granting thereof,

to

to wit, on the twelfth day of March, in the firſt year of the reign of the ſaid late king James, at, &c. were duly accepted by the then burgeſſes and inhabitants of the ſaid town, who by means thereof became, and have ever ſince continued, and ſtill are a body politic and corporate, in deed, fact, and name, by the name of the mayor, aldermen, and burgeſſes of the town of B. in the county aforeſaid: And the ſaid B. further ſays, that from the time of the granting of the ſaid letters patent of the ſaid late king Henry, until the time of the ſurrender hereinbefore mentioned, there were certain officers of the town of B. who by virtue of their ſeveral offices, and of the ſeveral incorporations aforeſaid, were, and acted as juſtices of the peace within the ſaid town, and the precincts, and liberties thereof, and who from time to time duly held general ſeſſions of the peace in and for the ſame, and that ever ſince the granting of the letters patent of the ſaid late king James until and at the time of the preferring the ſaid indictment and from thence hitherto there have been, and ſtill are a mayor, recorder, and aldermen of the town aforeſaid, elected, and ſworn according to the ſeveral ordinations and proviſions in the ſaid letters patent expreſſed, and who for the time being have by virtue thereof been, and acted as juſtices, aſſigned to keep the peace within the town, precincts, and liberties aforeſaid; and that during all the time laſt aforeſaid, general ſeſſions of the peace have been duly held in the ſaid town of B. four times in every year, before the mayor, recorder, and aldermen of the ſaid town for the time being, three or more of them, of whom the mayor or recorder of the ſaid town hath always been one, for the inquiring, hearing of, and determining all ſuch felonies, treſpaſſes, and other miſdemeanors committed within the ſaid town, and the precincts, and liberties thereof, as they were and are by the ſaid letters patent authorized and empowered to enquire of, hear, and determine, and this, &c. wherefore he prays judgment of the ſaid indictment, and that the ſame may be quaſhed, &c.

Replication, proteſting inſufficiency: ſays that the offences were committed within the juriſdiction of the quarter ſeſſions, and traverſes there being committed within the precincts of B.

And the ſaid James Templer, eſquire, coroner and attorney of our ſaid lord the preſent king, in the court of our ſaid lord the king, before the king himſelf, who proſecutes for our ſaid lord the king in this behalf for our ſaid lord the king, ſaith, that by any thing in the ſaid plea of the ſaid Benjamin above alledged, the ſaid indictment ought not to be quaſhed, becauſe, proteſting that the ſaid plea, and the matters therein contained, are not ſufficient in law to quaſh the ſaid indictment. Nevertheleſs, for a plea in this behalf, the ſaid coroner and attorney of, &c. for, &c. ſaith, that true it is ſuch reſpective letters patent, under the great ſeal of England, were made by the ſaid late king Henry the Third, and the ſaid late king James the Second, reſpectively, and were accepted as in the ſaid plea of the ſaid Benjamin is in that behalf alledged, and that ſuch ſurrender was alſo made as in the ſame plea is alledged. But the ſaid coroner and attorney of, &c. for, &c. further ſays, that the ſaid offences in the ſaid indictment ſpe-

(a) To plea to the juriſdiction, in abatement to an indictment.

cified, were, and each of them was committed in the East Riding of the said county of York, within the jurisdiction of the said court of general quarter sessions, and out of the liberties and precincts of the aforesaid town of B. in the said county, to wit, at, &c. in the said indictment mentioned, without this that the said offences in the said indictment specified, or any of them were or was committed within the precincts or liberties of the town of B. aforesaid, as the said Benjamin hath in his said plea in that behalf alledged, and this, &c. wherefore he prays judgment, and that the said Benjamin may be convicted of the premises in the said indictment specified.

Rejoinder, issue on traverse.

And the said Benjamin as before says, that the said several offences in the said indictment specified were, and each of them was committed within the precincts and liberties of the town of B. aforesaid, as the said Benjamin hath in his said plea in that behalf alledged; and of this he puts himself upon the country, &c. And the said James T. who prosecutes for our said lord the king in this behalf, doth the like, &c. Therefore, &c.

This indictment was presented to the grand jury at the general quarter sessions for the East Riding of the county of York, and afterwards removed into B. R. when the above pleadings were drawn, and on trial at Lent assizes 1789, verdict for defendant.

Indictment for an assault, and presenting a loaded gun and threatening to fire it, whereby prosecutor was affrighted.

SURRY, to wit. The jurors for our sovereign lord the king, upon their oath present, that I. C. late of, &c. school-master, on, &c. in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, to wit, with guns, swords, staves and fists, at the parish of W. aforesaid, in the county aforesaid, in and upon one T. H. in the peace of God and our said lord the king, then and there being, did make an assault, and him the said T. H. then and there did beat, wound, and ill treat, so that his life was thereby then and there greatly despaired of; and then and there levelled and pointed at the said T. H. a certain gun, which he the said I. C. then and there held in his hand loaded, to wit, with gunpowder and lead balls; and then and there, with the said gun so levelled and pointed at the said T. H. to shoot the said T. H. and then and there thereby put the said T. H. in danger of his life; and then and there, by means of the premises aforesaid, greatly terrified and affrighted the said T. H. and then and there did, &c. (2d count, common assault only, instead of saying "did beat," &c. whereby, &c. say, "did greatly terrify, &c. and affright.")

MIDDLESEX, to wit. Some time ago, that is to ſay, on Tueſday next after three weeks of the Holy Trinity, in the twenty-fifth year of the reign of our ſovereign lord George the Third, by the grace of God, of, &c. in the court of our ſaid lord the king, before the king himſelf, at Weſtminſter, in the county of Middleſex, upon the oath of twelve jurors, good and lawful men of the ſaid county of Middleſex, then and there ſworn and charged to enquire for our ſaid lord the king, for the body of the ſame county, it was preſented as follows, that is to ſay, Middleſex, to wit, the jurors for our ſovereign lord the king, upon their oath preſent, that John Jackſon, late of, &c. gentleman, and T. P. C. late of, &c. eſquire, being perſons of wicked minds and malicious diſpoſitions, and not regarding the laws of this kingdom, and having conceived great malice, hatred, and ill-will towards R. L. on the day of , in the twenty-fifth year of the reign of our ſovereign lord George the Third, king of, &c. with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully and maliciouſly did make an aſſault upon the ſaid R. L. then and there being in the peace of God and our ſaid lord the king; and that the ſaid I. I. by the procurement of the ſaid T. P. C. with a certain large walking-ſtick, which he the ſaid I. I. in his right hand then and there had and held; and alſo with the fiſts of him the ſaid I. I. then and there unlawfully, maliciouſly, and violently did ſtrike and beat him the ſaid R. L. in and upon the head, face, ſhoulders, and arms of the ſame R. L. and giving to him the ſaid R. L. then and there, by ſuch ſtriking and beating of him the ſaid R. L. with the walking ſtick aforeſaid, and alſo with the fiſts of him the ſaid I. I. divers ſevere and dangerous blows, ſtrokes, and bruiſes, in and upon the head, face, ſhoulders, and arms of him the ſaid R. L. by means whereof the ſaid R. L. was then and there in great danger of loſing his life: And the ſaid I. I. and T. P. C. then and there unlawfully and maliciouſly did other wrongs to the ſaid R. L. in contempt of our ſaid lord the king, and his laws; and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid I. I. and T. P. C. afterwards, that is to ſay, on, &c. in the twenty-fifth year aforeſaid, with force and arms, &c. at, &c. in, &c. did make an aſſault upon the ſaid R. L. then and there being in the peace of God and our ſaid lord the king, and then and there did beat, wound, and ill treat the ſaid R. L. ſo that his life was greatly deſpaired of; and then and there did other wrongs to the ſaid R. L. to the great damage of the ſaid R. L. and againſt the peace of our ſaid lord the king, his crown and dignity: Wherefore the ſaid ſheriff of the ſaid county of Middleſex was commanded that he ſhould not forbear, by reaſon of any liberty in his bailiwick, but that he ſhould cauſe them to come to anſwer to our ſaid lord the king, touching and concerning the premiſes aforeſaid: And now, that is to ſay, on next after , in this ſame term, before our ſaid lord the king, at Weſtminſter, cometh the ſaid T. P. C. by A. B. his

Record of an indictment for an aſſault with a walking-ſtick.

Indictment.

2d Count, common aſſault.

Plea.

his attorney, and having heard the ſaid indictment read, he ſaith that he is not guilty thereof, and thereupon he putteth himſelf upon the country: And James Templer, eſquire, coroner and attorney of our ſaid lord the king, before the king himſelf, who for our ſaid lord the king in this behalf proſecuteth, doth the like; therefore let a jury thereupon come before our ſaid lord the king, at Weſtminſter, on next after , by whom the truth of the matter will be the better known, and who are not of the kindred of the ſaid T. P. C. to try upon their oath whether the ſaid T. P. C. be guilty of the premiſes aforeſaid, or not; becauſe, as well the ſaid James Templer, eſquire, who proſecuteth for our ſaid lord the king in this behalf, as the ſaid T. P. C. have put themſelves upon the ſaid jury, the ſame day is given, as well to the ſaid James Templer, eſquire, who proſecuteth for our ſaid lord the king in this behalf, as to the ſaid T. P. C.; at which time, to wit, on next after , before our ſaid lord the king, at Weſtminſter, comes, as well the ſaid James Templer, eſquire, who proſecuteth for our ſaid lord the king in this behalf, as the ſaid T. P. C. by his attorney aforeſaid: And the ſheriff of the ſaid county of Middleſex hath returned the names of twelve jurors, none of whom come to try in form aforeſaid: therefore the ſheriff of the ſaid county of Middleſex is commanded that he do not forbear, by reaſon of any liberty in his bailiwick, but that he diſtrain the bodies of the jurors aforeſaid, by all their lands and chattels in his bailiwick, ſo that neither they nor any one for them do put their hands to the ſame until he ſhall have another command from our ſaid lord the king for that purpoſe; and that he anſwer to our ſaid lord the king for the iſſues thereof, ſo that he may have their bodies before our ſaid lord the king at Weſtminſter, on next after , or before the right truſty and well-beloved of our ſaid lord the king, William earl of Mansfield, chief juſtice of our ſaid lord the king aſſigned to hold pleas before the king himſelf, if he ſhall come before that time, that is to ſay, on next after , at Weſtminſter, in the county of Middleſex, in the great hall of pleas there, according to the form of the ſtatute in ſuch caſe made and provided, to try upon their oath whether the ſaid T. P. C. be guilty of the premiſes aforeſaid, or not, in default of the jurors aforeſaid, who came not to try in form aforeſaid: therefore let the ſheriff of the ſaid county of Middleſex have the bodies of the jurors aforeſaid accordingly to try in form aforeſaid. The ſame day is given as well to the ſaid James Templer, eſquire, who proſecuteth for our ſaid lord the king in this behalf, as to the ſaid T. P. C.

Venire.

Diſdatur.

Default.

Diſtringas.

Niſi prius.

Diſtringas juratorum, to try an aſſault.

George the Third, by the grace of, &c. to the ſheriff of Middleſex, greeting. We command you that you do not forbear, by reaſon of any liberty in your bailiwick, but that you diſtrain the bodies of the ſeveral perſons named in the pannel annexed to this writ, being the jurors ſummoned in our court before us, between us

us and T. P. C. late of, &c. in, &c. esquire, by all their lands and chattels in your bailiwick, so that they, nor any one for them, do put their hands to the same until you shall have another command from us for that purpose, and that you answer to us for the issues thereof, so that you may have their bodies before us, at Westminster, on, &c. next after , or before our right trusty and well-beloved William earl of Mansfield, our chief justice assigned to hold pleas before us, if he shall come before that time, that is to say, on Tuesday next, (the end of the term at Westminster,) in your county, in the great hall of pleas thereof, according to the form of the statute in such case made and provided, to try upon their oath whether the said T. P. C. be guilty of certain trespasses, contempts, and assaults, whereof he stands indicted or not, and to hear their judgment concerning more defaults, and have you there then this writ. Witness, &c.

The defendant T. P. C. was acquitted; the other defendant J. I. pleaded guilty.

Indictment for an assault, and attempt to commit a rape.

WARWICKSHIRE, to wit. The jurors for our sovereign lord the king, upon their oath present, that R. H. late of, &c. in, &c. on, &c. in the twenty-eighth year of the reign of, &c. by the grace of God, &c. at the parish of, &c. with force and arms in and upon A. C. the wife of J. C. in the peace of God and of our said lord the now king then and there being, did make an assault, and her the said A. C. then and there did beat, bruise, wound, and ill treat, so that her life was greatly despaired of, with an intent her the said A. C. against her will, then and there feloniously to ravish and carnally know, and other wrongs to the said A. C. then and there did, to the great damage of the said A. C. and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. H. afterwards, on, &c. with force and arms upon the said A. C. in the peace of God, and of our said lord the king, then and there being, did make another assault, and then and there did again beat, bruise, wound, and ill treat her the said A. C. so that her life was thereby greatly despaired of; and other wrongs to the said A. C. then and there did, to the great damage of the said A. C. and against the peace of our said lord the king, his crown and dignity. V. LAWES.

2d count for a common assault.

CHEAT, FRAUD, FALSE PRETENCES.

Indictment against an attorney who the prosecutor had employed to prepare a letter of attorney to empower one A. B. to receive the prosecutor's rents for preparing a letter of attorney, empowering himself jointly and severally with A. B. to sell and dispose of the plaintiff's estates.

MIDDLESEX, to wit. The jurors for our sovereign lord the king, upon their oath present, that Richard Rothery, of, &c.

on,

on, &c. in the second year of the reign of, &c. and long before, was seised in his demesne as of fee, of and in certain messuages, lands and tenements, called, &c. with their appurtenances, situate and being in the parish of, &c. And that the said R. R. being about to impower I. I. of, &c. to receive the rents then due, and thereafter for a certain time then next following to accrue due to the said R. R. from his tenants, who were then in possession of and occupied the estate aforesaid, and for that purpose to bring actions, if necessary, against any one or more of such tenants who should refuse payment, and make distresses (if necessary) for any arrears of rent that were then due, or that might thereafter during such intended time become due, and to do such other legal acts as should be necessary to be done: He the said R. R. did by the advice of the said I. I. on, &c. apply to J. B. of, &c. gentleman, one of the attornies of the court of our sovereign lord the now king, before the king himself (the said court being on, &c. and from thence until, and on the day of the taking of this inquisition, held at Westminster, in the county of Middlesex), to prepare and duly make a letter of attorney, or proper authority in writing from him the said R. R. to the said I. I. to act as his attorney on the occasion aforesaid, and according to the aforesaid intention of the said R. R. for him the said R. R. to execute to the use of the said I. I. as such his attorney, and did then and there request him so to do, and give him proper instructions according to his aforesaid intention; and that the said J. B. being, &c. a person of evil name and fame, and dishonest conversation, and devising and intending to deceive and defraud the said R. R. of his aforesaid estate, on, &c. did then and there pretend to the said R. R. that he the said J. B. was then busy, and could not conveniently prepare such letter of attorney, deed, poll, or instrument, and under colour of that pretence, and with intent aforesaid, did falsely, fraudulently, and deceitfully, advise the said R. R. to seal and sign a piece of paper stamped with the usual stamp for letters of attorney, without any writing thereon; and though the said paper was blank, to deliver the same as if it had been a letter of attorney, as his the said R. R.'s act and deed, for the purposes before mentioned; and the said J. B. with intent aforesaid, did then and there falsely, fraudulently, and deceitfully, inform the said R. R. that the signing, sealing, and delivery of such blank paper stamped with such stamp as aforesaid, would do as well as if the said R. R. was to execute a letter of attorney in due form, according to his the said R. R.'s intentions; and that he the said J. B. would afterwards prepare a letter of attorney, and ingross or write, or cause to be ingrossed or wrote, on the said paper the same agreeable in every respect to the intention of the said R. R. before mentioned: And that the said J. B. did then and there, with the fraudulent intention aforesaid, falsely, fraudulently, and deceitfully advise, persuade, procure, and induce the said R. R. to sign, seal, and deliver such blank paper so stamped as aforesaid: And the said R. R. did then and there, on, &c. at, &c. in, &c. by such persuasion and advice

advice of the ſaid J. B. given in manner aforeſaid, ſign, ſeal, and deliver the ſaid blank paper, ſo ſtamped as aforeſaid, as his act and deed, and did then and there, by the deſire of the ſaid R.R. leave the ſaid piece of paper ſo ſtamped, ſigned, ſealed, and delivered to the ſaid J. B. that he might ingroſs or write thereon, or cauſe to be ingroſſed or wrote thereon, ſuch letter of attorney from the ſaid R. R. to the ſaid I.I. for the purpoſe aforeſaid, agreeable to the ſaid intention of the ſaid R. R. and not for any other purpoſe whatſoever; and the ſaid J. B. intending as aforeſaid, then and there promiſed to ingroſs or write, or cauſe to be ingroſſed or wrote, ſuch letter of attorney on the ſaid paper, according to the true intention of the ſaid R. R. and the inſtructions given him for that purpoſe by the ſaid R. R. And the ſaid R. R. then and there paid to the ſaid J. B. by his deſire, nine ſhillings and two-pence for making ſuch letter of attorney and for the ſtamp, and that the ſaid J. B. contriving and wickedly intending to deceive and defraud the ſaid R. R. in manner aforeſaid, did afterwards, that is to ſay, on, &c. at, &c. unlawfully, knowingly, falſely, and deſignedly, forge, write, and make, and cauſed to be forged, written, and made, on the ſaid paper ſo ſigned, ſealed and delivered by the ſaid R. R. on the ſame ſide where the ſaid R. R. had ſubſcribed his name and ſet his ſeal, without the knowledge, leave, licenſe, or conſent of the ſaid R. R. a certain inſtrument or writing, purporting to be a letter of attorney from the ſaid R. R. to the ſaid J. B. and I. I. impowering them, or either of them, jointly or ſeverally, to ſell the ſaid eſtate of the ſaid R. R. at S. aforeſaid, with the appurtenances, and in the mean time to receive the rents, iſſues, and profits thereof, and the arrears then due, and to bring actions, and to make diſtreſſes, and to do ſuch other acts as the ſaid R. R. could, for the recovery of ſuch rent and any arrears of rent then due, or to grow due during the time the eſtate ſhould remain unſold; which falſe inſtrument, or writing, did bear date ſometime in or about the month of July aforeſaid, in the year aforeſaid.—(2d Count, ſaying that J. B. "publiſhed the ſame as "a true letter of attorney, knowing the ſame to be falſe.")—

3d Count, repreſenting to be a true power to ſell, and obtaining one guinea earneſt.

And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid J. B. did, without the leave, licenſe, or conſent of the ſaid R. R. and againſt his will, afterwards, to wit, on, &c. at, &c. on, &c. in, &c. falſely, fraudulently, unlawfully, and wickedly, ſhew and preſent ſuch falſe, feigned, and counterfeited inſtrument or writing to A. B. as and for a true letter of attorney, and a true power from the ſaid R. R. and did then and there inform the ſaid A. B. that he the ſaid J. B. had thereby a legal power veſted in him to ſell the aforeſaid eſtate, and did then and there, on, &c. at, &c. treat with the ſaid A. B. to ſell to him ſuch eſtate; and did then and there, under colour and pretence of ſuch falſe, feigned, and counterfeited inſtrument or writing, agree to ſell the ſaid eſtate to the ſaid A B. for the ſum of ſixty pounds; and, under the pretence aforeſaid, did falſely,

fraudulently, and deceitfully, obtain from the ſaid A. B. the ſum of one guinea, by way of earneſt for the ſale and purchaſe of the ſaid eſtate, and in part of payment of the price to be by the ſaid A. B. paid for the ſame, to the great and manifeſt injury of the ſaid A. B. to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid ſovereign lord the now king, his crown and dignity, &c: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid J. B. did, without the leave, &c. of the ſaid R. R. and againſt his will, afterwards, to wit, on, &c. falſely, &c. ſhew, &c. ſuch falſe, &c. inſtrument or writing to the ſaid A. B. he the ſaid A. B. then being one of the tenants of the ſaid R. R. for a part of the premiſes in the pariſh of S. aforeſaid, and from whom there was then due and owing to the ſaid R. R. the ſum of pounds, for arrears of rent for the ſaid premiſes which he held under the ſaid R. R. as his tenant there, as and for a true letter of attorney from the ſaid R. R. to the ſaid J. B. and the ſaid I. I. as aforeſaid; and did then and there tell the ſaid A. B. ſuch inſtrument or writing was the deed of the ſaid R. R. and made by him to the ſaid J. B. and I. I. for the purpoſes therein-mentioned; and the ſaid J. B. did then and there, that is to ſay, at, &c. in, &c. under colour and pretence of the ſaid inſtrument or writing, falſely, &c. demand payment of ſuch arrears of rent, and under and by virtue thereof did obtain and receive of and from the ſaid A. B. the ſum of pounds, and gave a receipt for the ſame, as the attorney of the ſaid R. R. with intent to defraud the ſaid A. B. to the great damage and injury of the ſaid A. B. in evil example of all others in the like caſe offending, and againſt the peace of, &c: And the jurors aforeſaid, upon, &c. do further preſent, that the aforeſaid J. B. being a perſon of ill name and fame, and diſhoneſt converſation, on, &c. with force and arms, &c. at, &c. unlawfully, knowingly, and deſignedly, did falſely pretend to the ſaid A. B. (then one of the tenants of the ſaid R. R. occupying certain premiſes of the ſaid R. R. at, &c. as tenant to him the ſaid R. R. under a certain yearly rent of pounds, payable quarterly by the ſaid A. B. to the ſaid R. R. for the ſame, and from whom there was then an arrear of rent due and owing), that he the ſaid J. B. had a letter of attorney from the ſaid R. R. impowering him the ſaid J. B. to receive the rent of the ſaid R. R.'s eſtate, at, &c. the arrears then due from the ſaid A. B. and other tenants of the ſaid R. R. and did then and there produce and ſhew to the ſaid A. B. a certain falſe, forged, and counterfeited inſtrument or writing, purporting to be ſuch letter of attorney as is laſt mentioned, which was ſigned at the bottom with the hand writing of the ſaid R. R. and ſealed with his ſeal; but which power therein expreſſed to be given by the ſaid R. R. to the ſaid J. B. had been wrote and inſerted after the ſaid R. R. had ſigned and ſealed ſuch paper, without the leave, licenſe, or knowledge of the ſaid J. B. and that by the aforeſaid falſe pretences, the ſaid J. B. did then and there, to wit, at, &c. unlawfully, &c. obtain from the ſaid A. B. the ſum of

4th count, ſhewing, &c. and obtaining rent.

5th count, preſenting an inſtrument which had been executed in blank.

pounds

pounds of lawful money, as and for arrears of rent due from the ſaid A. B. to the ſaid R. R. with intent then and there to cheat and defraud him the ſaid A. B. of the ſame; whereas, in truth and in fact, the ſaid R. R. did not ever execute or give to the ſaid J. B. any ſuch authority as aforeſaid, or any authority whatſoever, to receive the aforeſaid arrears of rent, or any part thereof, from the ſaid A. B. to the great damage and deception of the ſaid A. B. the evil example, &c: And the jurors aforeſaid, on their oath aforeſaid, do further preſent, that the ſaid J. B. on, &c. unlawfully, &c. did obtain from the ſaid A. B. the ſum of one guinea, by falſely, &c. pretending that he had a legal power and authority from the ſaid R. R. to ſell certain meſſuages, lands, and premiſes, with the appurtenance, ſituate at, &c. whereof the ſaid R. R. was then ſeiſed in fee, and that he would ſell the ſame to the ſaid A. B. for the ſum of ſixty pounds, and that ſuch ſum of one guinea ſhould bind the bargain for the ſale of ſuch premiſes, and be accepted in part of payment of the purchaſe money; whereas the ſaid J. B. had not, at the time he obtained ſuch ſum of one guinea from the ſaid A. B. under the pretence aforeſaid, or at any other time, any power or authority whatſoever, from, by, or under the ſaid R. R. to ſell the ſaid laſt-mentioned premiſes, or any part thereof, or any right, power, or authority, to make ſuch contract with the ſaid A. B. for the ſale thereof, or to accept or take ſuch ſum of one guinea, or any part thereof, on the pretence aforeſaid, to the great and manifeſt damage and deception of the ſaid A. B. and evil example, &c: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that on, &c. in the ſecond year aforeſaid, at, &c. in, &c. the ſaid A. B. was indebted to the ſaid R. R. in the ſum of , pounds, for certain arrears of rent for certain premiſes, the ſaid A. B. then and there held of the ſaid R. R. at, &c. as tenant to the ſaid R. R. and that being ſo indebted, the aforeſaid J. B. being a perſon of ill name, fame, and diſhoneſt converſation, on, &c. at, &c. did unlawfully, &c. obtain from the ſaid A. B. the ſum of pounds, as and for payment of ſuch arrears of rent, by falſely, &c. pretending he had a legal power and authority from the ſaid R. R. to receive ſuch arrears of rent, and to give a proper and abſolute receipt or diſcharge for the ſame, with intent to deceive, cheat, and defraud the ſaid A. B; whereas the ſaid J. B. had not then, or at any other time, any power or authority, by, from, or under the ſaid R. R. in any manner whatſoever to receive ſuch arrears of rent, or any part thereof, in any manner whatſoever, or give any receipt or diſcharge for the ſame, or any part thereof, in any manner whatſoever, to the manifeſt damage and deception of the ſaid A. B. in evil example of all others in the like caſe offending, and againſt the peace of our lord the now king, his crown and dignity, &c.

6th count, pretending to have a power, and obtaining one guinea.

7th, to receive rent.

J. MORGAN.

MIDDLESEX,

Indictment against defendant for obtaining goods, pretending they were for one A. B. when in fact they were not.

MIDDLESEX, ſſ. The jurors for our lord the king upon their oath preſent, that W. H. late of, &c. in, &c. being a perſon of an evil diſpoſition, ill name and fame, and of diſhoneſt converſation, and deviſing and intending by unlawful ways and means to obtain and get into his hands and poſſeſſion, the goods, wares, and merchandizes of the honeſt liege people and ſubjects of our ſaid lord the king, to maintain his idle courſe of living, on, &c. in, &c. with force and arms, at, &c. in, &c. unlawfully, knowingly, and deſignedly, did obtain from one J. D. twelve mahogany chairs, of the value of, &c. of the goods and chattels of the ſaid J. D. falſely pretending that the chairs were to be delivered to one Mr. F. (meaning one B. F. of, &c.), with intent to cheat and defraud the ſaid J. D. of the ſaid goods and chattels, when in truth and in fact the ſaid goods and chattels were not delivered to the ſaid B. F. to the great damage of the ſaid J. D. to the evil example of all others, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment against the defendant for obtaining a horſe under falſe pretences.

LONDON. The jurors for our lord the king upon their oath preſent, that W. P. late of, &c. being a perſon of evil name and fame, and of diſhoneſt converſation, and deviſing and intending fraudulently to deceive and defraud one J. S. of his goods and chattels, on, &c. at, &c. with force and arms, at London, that is to ſay, at the pariſh of , in the ward of , in London aforeſaid, fraudulently and deceitfully did receive, obtain, and get into his hands and poſſeſſion, of and from the ſaid J. S. one gelding, of a roan colour, of the price of eight pounds, by falſe colours and pretences, that is to ſay, under colour and pretence that he the ſaid W. P. had a friend in the city in the turnery branch of buſineſs who wanted to purchaſe a gelding fit to turn a great wheel upon a new conſtruction, and that he the ſaid W. P. would ſell the ſaid gelding to him for him the ſaid J. S. and give him the ſaid J. S. the money; whereas in truth and in fact, the ſaid W. P. had not a friend in the city or elſewhere, in the turnery branch of buſineſs who wanted to purchaſe ſuch gelding as the ſaid W. P. pretended, and whereas in truth and in fact the ſaid W. P. did not ſell the ſaid gelding to ſuch pretended friend, nor hath the ſaid W. P. given to the ſaid J. S. any money whatſoever for the ſame, nor returned the ſaid gelding to the ſaid J. S.; and ſo the ſaid W. P. did then and there fraudulently and deceitfully deceive and defraud the ſaid J. S. of his gelding aforeſaid, to the great damage of the ſaid J. S. and againſt the peace of our ſaid lord the king, his crown and dignity, &c.

Indictment for obtaining a note of hand under falſe pretences of the ſervant of the prosecutor, which defendant had given for rent due to the prosecutor, and tearing the note.

LONDON. The jurors for our lord the king upon their oath preſent, that I. H. late of, &c. being a perſon of ill name and fame, and of diſhoneſt converſation, on, &c. in the year of the reign,

&c.

&c. at London aforesaid, to wit, in the parish of, &c. in the ward of, &c. falsely, fraudulently, and deceitfully, and by false acts, colours, and pretences, did obtain, acquire, and get into his hands, of and from one I. F. then being the servant of one I. N. a certain note and writing signed with the proper hand writing of him the said I. H. bearing date, &c. by which said note and writing the said I. H. promised the said I. N. to pay what rent was due to him for the ground I. H. owed him for, to wit, under colour and pretence that he the said I. H. would inspect the said note, and would then and there immediately re-deliver the same note to him the said I. F. and that he the said I. H. afterwards, to wit, on, &c. at, &c. in, &c. fraudulently and unlawfully did cancel, destroy, and tear the said note (the said rent which the said I. H. ought to have paid to the said I. N. in pursuance of the said note and writing, every part thereof being then unpaid), with an intent to deceive and defraud the said I. N. of the money due and payable to him by virtue of the said note, to the great damage of the said I. N. and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said I. H. being a person of ill name, and fame, and of dishonest conversation, afterwards, to wit, on, &c. in, &c. falsely, fraudulently and unlawfully, did cancel, tear and destroy, a certain note and writing belonging to one I. N. bearing date and signed with the proper hand writing of him the said I. H. by which said note and writing he the said I. H. promised the said I. N. to pay what rent was due to him for the ground I. H. owed him for, there being then and there due and owing from the said I. H. to the said I. N. for the rent of the ground mentioned in the said note, the sum of pounds, with intent to deceive and defraud the said I. N. of the money which he the said I. H. ought to have paid him in pursuance of the said note and writing, to the great, &c. and against the peace, &c.

ad Count, for unlawfully destroying a note given for rent.

CONSPIRACY.

THE KING *against* COBB & OTHERS. } WILTSHIRE, *ss.* The jurors for our lord the king, upon their oath present, that W. M. Cobb, late of, &c. and G. Bluett, late of, &c. being persons of evil fame and dishonest conversation, and wickedly devising and intending *to disturb the peace of mind of Ann Bennett, of, &c. the said A. B. being at the time of the grievance herein-after set forth, an infant under the age of twenty-one years, and then and still being a single woman, and to induce the mother, and other relations of the said A. B. to consent to her marrying the said W. M. C. for fear of the injury and disgrace which the said W. M. C. and G. B. devised to bring on the said A. B.* on the twentieth day of July, in the nineteenth year, &c. at, &c. falsely, unlawfully, wickedly, and maliciously, conspired, and agreed, and confederated, between themselves,

Indictment for a conspiracy, and for giving out that one A. B. single-woman, had lain with one Cobb, and that he had had carnal knowledge of her body, in order to induce her to consent to marry him.

ſelves, to give out and publiſh of and concerning the ſaid A. B. that the ſaid A. B. had lain with the ſaid W. M. C. and that he the ſaid W. M. C. had had carnal knowledge of the body of the ſaid A. B. and had gotten her with child; and the ſaid W. M. C. and G. B. in furtherance and execution of their conſpiracy, agreement and confederacy, afterwards, to wit, on the ſaid twentieth day of July, in the year aforeſaid, at, &c. falſely and maliciouſly, in the hearing of divers of his majeſty's liege ſubjects, did ſeverally give out and publiſh of and concerning the ſaid A. B that ſhe the ſaid A. B. had lain with the ſaid W. M. C. and that the ſaid W. M C. had had carnal knowledge of the body of the ſaid A. B. and had gotten her with child, to the great loſs, infamy, and diſquietude of her the ſaid A. B. to the evil example of all others, and againſt the peace of our lord the king, his crown and dignity. (2d count ſame as 1ſt, except, inſtead of *Italic*, ſay, "to oppreſs, injure and defame her, and to prevent her from ever enjoying the comforts and advantages of a married ſtate." 3d count ſame as 1ſt, except, inſtead of *Italic*, ſay, "to injure the character of the ſaid A. B. and to put her to great trouble and anxiety of mind, and to cauſe her to be ſhunned and avoided by all perſons of credit and reputation, and to render her infamous in ſociety.")

PLEAS before our lord the King, at Weſtminſter, of Hilary Term, in the twentieth year of the reign of our ſovereign lord George the Third, by the grace of God, of Great Britain, &c.

ROLL.

Amongſt the pleas of the King.

Record of Indictment for a conſpiracy to cheat A B. out of a ſum of money, by falſely pretending to ſecure to him an annuity.

Indictment.

MIDDLESEX, *ſſ.* Some time ago, that is to ſay, on Monday next, after fifteen days of Saint Martin, in the twentieth year of the reign of our ſovereign lord George the Third, by the grace of God, &c. in the court of our ſaid lord the king, before the king himſelf, at Weſtminſter, in the county of Middleſex, upon the oath of twelve jurors, good and lawful men of the county of Middleſex, then and there ſworn and charged to enquire for our ſaid lord the king, for the body of the ſame county, it was preſented as followeth, that is to ſay, Middleſex, to wit, the jurors for our lord the king, upon their oath preſent, that William S. W. late of the pariſh of Saint James, in the liberty of Weſtminſter, in the county of Middleſex, eſquire; Sir W. D. late of the pariſh of Saint Ann, in the ſaid liberty of Weſtminſter, and county aforeſaid, knight; William A. late of the pariſh of Saint Andrew, Holborn, in the ſaid county of Middleſex, gentleman; and Charles B. late of Gray's Inn, in the ſaid county, gentleman;—wickedly and unjuſtly deviſing and intending to defraud one Henry S. eſquire, of his money, on the twelfth day of February, in the ſeventeenth year of the reign of our ſovereign lord George the Third, now king of Great Britain, at Weſtminſter, in the county of Middleſex aforeſaid, wickedly, falſely, fraudulently, and unlawfully, did conſpire, combine, and agree among themſelves to cheat and defraud the ſaid H. S. of a large ſum of money,

money, under a falſe and deceitful colour and pretence of the ſaid W. S. W.'s ſecuring to be paid unto the ſaid H. S. his executors, adminiſtrators, and aſſigns, a certain annuity to be payable during the natural life of the ſaid W. S. W. in conſideration of the ſaid ſum of money, and that the ſaid Sir W. D. in purſuance of, and according to the conſpiracy, combination, and agreement as aforeſaid, had and made between him the ſaid W. S. W. Sir W. D. I. A. and C. B. afterwards, to wit, on the twelfth day of February, in the ſeventeenth year aforeſaid, at Weſtminſter aforeſaid, in the county of Middleſex, wickedly, falſely, fraudulently, unlawfully, and deceitfully did pretend and repreſent that the ſaid W. S. W. then was in the preſent poſſeſſion of one thouſand pounds *per annum*, conſiſting in certain eſtates and lands called Lee Aſhton and Brockland, in the county of S. and that there then was on the ſaid eſtate timber worth five thouſand pounds; and that the ſaid W. S. W. at the death of his mother, was intitled to the following eſtates in the county of S. that is to ſay, Winkfield, Sludbrook, Everſham, Elliſham, and Tamworth, ſeven hundred pounds *per annum*, with (*a*) timber thereon to the value of five thouſand pounds; and that the ſaid W. S. W. would be at the death of his grandfather, aged ninety-five years, intitled to a capital eſtate called Eſtworth, two thouſand ſeven hundred pounds *per annum*; and that the ſaid W. S. W. was then heir to two hundred thouſand pounds and upward, expectant on the death of his aunt; and that the ſaid H. S. might have a recital of thoſe expences and charges on any of them for ſecuring the ſaid annuity, if he the ſaid H. S. ſhould think proper; but that the ſaid W. S. W. would not incumber his then preſent eſtate, except by bond and judgment: and that in purſuance of, and according to the ſaid wicked conſpiracy, combination, and agreement, the ſaid Sir W. D. did then and there fraudulently and deceitfully refer the ſaid H. S. for every information relative to the premiſes to the ſaid W. A. as the ſaid W. S. W.'s ſolicitor; and the ſaid W. A. according to the conſpiracy, combination and agreement, ſo as aforeſaid had and made between the aforeſaid W. S. W. Sir W. D. and C. B. afterwards, to wit, on the ſame day and year laſt aforeſaid, at W. aforeſaid, in the county of Middleſex aforeſaid, falſely, fraudulently, unlawfully, and deceitfully did pretend and repreſent to the ſaid H. S. that the ſaid W. A. was the ſaid W. S. W.'s ſteward, and that the ſaid W. A. ſuppoſed that he ſhould have orders to pay the ſaid annuity; and the ſaid W. S. W. and his mother were to come to London on a certain day then to come and now paſt from their the ſaid W. S. W.'s and his mother's ſeat, at W. Abbey, in the county of S. and that the ſaid W. S. W. in purſuance of and according to the ſaid wicked conſpiracy, combination, and agreement, ſo as aforeſaid had and made between him and the ſaid W. D. W. A. and C. B. afterwards, to wit, on the twenty-ſecond day of February, in the ſeventeenth year aforeſaid, at W. aforeſaid, in the ſaid county of Middleſex, did falſely, fraudulently, and unlawfully pretend and repreſent to the ſaid H. S. in

1ſt. Fraud.

(*a*) From here to the letter (*c*) is omitted in the 2d. Count.

the presence and hearing, and with the assent of the said Sir W.D. W. A. and C. B. *that his the said W. S. W.'s estate, in the county of S.* was not one thousand pounds a-year, *but that it brought him the said W. S. W. between six and seven hundred pounds a-year.* And the said W. A. in pursuance of and according to the said wicked conspiracy, combination, and agreement, so as aforesaid had and made between him the said W. S. W. Sir W.D. and C. B. afterwards, to wit, on the said twenty-second day of February, in the seventeenth year aforesaid, at Westminster aforesaid, in the county aforesaid, did falsely, fraudulently, and unlawfully pretend and represent to the said H. S. in the presence and hearing, and with the assent of the said W. S. W. Sir W. D. and C. B. *that all the judgments which had been theretofore entered up in the court of our sovereign lord the king, before the king himself, against the said W. S. W.* were satisfied and discharged; *(c)* and that the said W. S. W. in pursuance of, and according to the conspiracy, combination, and agreement aforesaid, between him and the said Sir W. D. W. A. and C. B. so as aforesaid, had afterwards, to wit, on the said twenty-second day of February, in the seventeenth year aforesaid, at Westminster aforesaid, in the county of Middlesex aforesaid, in the presence and with the assent of the said Sir W. D. W. A. and C. B. did falsely, fraudulently, and deceitfully, sign, seal, and execute a certain bond to the said H. S. in the penal sum of three thousand pounds of lawful money of Great Britain, conditioned for the payment of by the said W. S. W. his heirs, executors, and administrators, unto the said H. S. his executors, administrators or assigns, of an annuity of two hundred and fifty pounds, by two equal half-yearly payments, on the said several days and times following, that is to say, on the twenty-second day of August, and the twenty-second day of February, from thenceforth in every year during the life of the said W. S. W. at or in the common dining-hall in Lincoln's-inn, in the said county of Middlesex, and also a proportionable part of the last half-yearly payment of the said annuity, up to the day of the decease of the said W. S. W. without making any deduction, defalcation, or abatement whatsoever; and also a certain warrant of attorney, authorizing any attorney of the court of common pleas, at Westminster, to confess judgment in the same court against the said W. S. W. on the said bond; and also a certain indenture, bearing date the said twenty-second day of February, in the seventeenth day aforesaid, purporting to be made between the said W. S. W. of Saint James's Place, in the liberty of Westminster, and county of Middlesex, esquire, eldest son of W. W. formerly of W. in the county of Salop, gentleman, by S. his wife, then his widow, and which said S. was the grand-daughter of T. S. late of Great Y. in the county of N. merchant, of the one part; and the said S. H. of the other part; reciting that the said W. S. W. on the death of his mother, would become seised of, interested in, or intitled unto divers estates, both freehold and leasehold, of a very considerable annual value, by virtue of, and under

(c) Vide (a) ante.

under a certain indenture of releaſe and aſſignment of four parts, made previous to the marriage of the ſaid W. W. and S. his wife, bearing date the twenty-ſecond day of May, in the year of Our Lord 1752, and made, or mentioned to be made between the ſaid S. of the firſt part, W. M. and I. E. therein particularly deſcribed of the ſecond part, and the ſaid W. W. of the third part, and the ſaid S. of the fourth part; and reciting the ſaid S. H. having purchaſed the ſaid annuity for the ſum of one thouſand five hundred pounds, and alſo reciting the ſaid bond and warrant of attorney, and alſo reciting that the ſaid W. S. W. for the better ſecuring the payment of the ſaid annuity, had agreed that in caſe he ſurvived his ſaid mother, he the ſaid W. S. W. within the ſpace of three months next after her deceaſe, by proper and valid deeds and inſtruments in the law, charge and make chargeable the ſaid real eſtates, which he ſhould come into poſſeſſion of by virtue of and under the therein-before recited indenture of ſettlement, with the payment of the ſaid annuity; it was by the ſaid indenture bearing date the ſaid twenty-ſecond day of February, in the ſeventeenth year aforeſaid, witneſſed, that he the ſaid W. S. W. for himſelf, his heirs, executors and adminiſtrators, did covenant and grant to and with the ſaid S. H. his heirs, executors, adminiſtrators and aſſigns, that he the ſaid W. S. W. in caſe he ſhould ſurvive and outlive his ſaid mother, ſhould and would, within ſix months after her deceaſe, at the coſts and charges of him the ſaid W. S. W. by ſuch good and ſufficient conveyances and aſſurances in the law as the counſel of the ſaid H. S. ſhould adviſe or direct, well and ſufficiently charge and make chargeable all and ſingular the meſſuages, lands, tenements, meadows, paſtures and hereditaments whatſoever, formerly of the ſaid T. S. in W. S. S. E. and T. in the county of S. or ſome or one of them, of the clear yearly value of three hundred pounds, or upwards, to which the ſaid W. S. W. was intitled after the deceaſe of his mother as aforeſaid, with the payment of the ſaid annuity, and all arrears of the ſame, which might then *happen to be due.* And that the ſaid W. S. W. in purſuance of and according to the ſaid conſpiracy, combination, and agreement afterwards had between him the ſaid Sir W. D. W. A. and C. B. then and there, to wit, on the ſaid twenty-ſecond day of February, in the ſeventeenth year aforeſaid, at Weſtminſter aforeſaid, in the county of Middleſex aforeſaid, by the falſe pretences aforeſaid, and by the execution of the ſaid bond, warrant of attorney, and indenture, did wickedly, fraudulently, and unlawfully obtain, acquire, and get into the hands and poſſeſſion of the ſaid W. S. W. the ſum of one thouſand five hundred pounds of lawful money of Great Britain, of and from the ſaid S. H. and did thereby cheat and defraud the ſaid H. S. of the ſum of one thouſand five hundred pounds; *whereas, in truth and in fact,* the ſaid W. S. W. was not in poſſeſſion of one thouſand pounds *per annum,* conſiſting of eſtates and lands called L. and B. in the county of S. or any other eſtates or lands in the county of S. as were falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. Sir W. D. W. A.

1 Negativing the fact repreſented.

W. A. and C. B. at the time of the making ſuch falſe pretence and repreſentation well knew the ſame, to wit, at W. aforeſaid, in the ſaid county of Middleſex aforeſaid: and whereas, in truth
2 Neg. and in fact, the ſaid W. S. W. was not, nor would be at the death of his ſaid mother, intitled to the eſtates in the ſaid county of S. called W. &c. worth ſeven hundred and fifty pounds *per annum*, with timber thereon of the value of five thouſand pounds, or of any of thoſe eſtates, as was falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. Sir W. D. W. A. and C. B. at the time of making ſuch falſe pretence and repreſentation well knew the ſame, to wit, at Weſtminſter, in the ſaid
3 Neg. county of Middleſex: and whereas, in truth and in fact, the ſaid W. S. W. would not be at the death of his ſaid grandmother entitled to the ſaid eſtate called O. worth two thouſand ſeven hundred pounds *per annum*, or to any other eſtate or lands whatſoever, as was falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. Sir W. D. W. A. and C. B. at the time of making ſuch falſe pretence and repreſentation, well knew the ſame, to wit, at Weſtminſter aforeſaid, in the ſaid county of
4 Neg. Middleſex: and whereas, in truth and in fact, the ſaid W. S. W. had not any grandmother living at the time of making the ſaid ſeveral falſe pretences, or any of them; and the ſaid W. S. W. Sir W. D. W. A. and C. B. at the time of making thereof, well knew the ſame, to wit, at Weſtminſter aforeſaid, in the ſaid
5 Neg. county of Middleſex: and whereas, in truth and in fact, the ſaid W. S. W. was not heir to two hundred thouſand pounds and upwards, or to any other ſum of money, eſtate, or effects whatſoever, expectant on the death of any aunt of him the ſaid W. S. W. as was falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. Sir W. D. W. A. and C. B. at the time of making ſuch falſe pretence and repreſentation, as laſt aforeſaid, well knew the ſame, to wit, at Weſtminſter aforeſaid, in the ſaid county of
6 Neg. Middleſex: and whereas, in truth and in fact, the ſaid W. A. was not then, or at any time whatſoever the ſaid W. S. W.'s ſteward, as was falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. Sir W. D. W. A. and C. B. at the time of making ſuch falſe pretence and repreſentation as laſt aforeſaid, well knew the ſame, to wit, at Weſtminſter aforeſaid, in the
7 Neg. county of Middleſex aforeſaid: and whereas, in truth and in fact, the ſaid W. S. W. had no eſtate in the county of S. which brought him in between ſix and ſeven hundred pounds a-year, as was falſely pretended and repreſented; and the ſaid W. S. W. Sir W. D. W. A. and C. B. at the time of making ſuch falſe pretences and repreſentations, well knew the ſame, to wit, at
8 Neg. Weſtminſter, in the county of Middleſex aforeſaid: and whereas, in truth, none of the judgments which had been theretofore entered up in the ſaid court of our ſaid lord the king, before the king himſelf, againſt the ſaid W. S. W. were then ſatisfied or diſcharged, as were ſo falſely pretended and repreſented; and the ſaid W. S. W. Sir W. D. W. A. and C. B. at the time of making

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ing ſuch falſe pretence and repreſentation well knew the ſame, and all the judgments are now unſatisfied, to wit, at Weſtminſter aforeſaid, in the county of Middleſex aforeſaid; and ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid W. S. W. Sir W. D. W. A. and C. B. according to the conſpiracy, combination, and agreement between them had and made as aforeſaid, the aforeſaid H. S. of the ſum of one thouſand five hundred pounds, in manner and form aforeſaid, wickedly, fraudulently, and unlawfully did deceive and defraud, to the great damage of the ſaid H. S. and againſt the peace of our ſaid lord the king, his crown and dignity. And the ſaid jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid W. S. W. late of the ſaid pariſh of Saint James, in the ſaid liberty of Weſtminſter, in the ſaid county of Middleſex, eſquire; Sir W. D. late of the pariſh of Saint Ann, in the ſaid liberty of Weſtminſter, in the ſaid county of Middleſex, knight; W. A. late of the pariſh of Saint Andrew, Holborn, in the county of Middleſex, gentleman; and C. B. late of Gray's Inn, in the ſaid county, gentleman, wickedly and unjuſtly deviſing and intending to cheat and defraud the ſaid H. S. of his money, on the twelfth day of February, in the ſeventeenth year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. at Weſtminſter, in the county of Middleſex aforeſaid, wickedly, falſely, fraudulently, and unlawfully did conſpire, combine, and agree together among themſelves, *to obtain, acquire, and get into their hands and poſſeſſion, of and from* the ſaid H. S. a large ſum of money, under a falſe colour and pretence of the ſaid W. S. W.'s ſecuring to the ſaid H. S. a certain annuity, payable by the ſaid W. S. W. to the ſaid H. S. during the natural life of the ſaid W. S. W. Sir W. D. W. A. and C. B. in purſuance of and according to the ſaid laſt-mentioned conſpiracy, combination, and agreement aforeſaid, between them as aforeſaid, had and made afterwards, to wit, on the twenty-ſecond day of February, in the ſeventeenth year aforeſaid, at W. aforeſaid, in the county of Middleſex aforeſaid, did falſely, fraudulently, and deceitfully pretend to the ſaid H. S. that the ſaid W. S. W. then was in preſent poſſeſſion *of a large eſtate in the county of S.* And that he the ſaid W. S. W. would be, at the death of his the ſaid W. S. W.'s grandmother, intitled to certain *other large eſtates in the county of S.* And the ſaid W. S. W. Sir W. D. W. A. and C. B. in purſuance of, and according to the conſpiracy, combination, and agreement between them the ſaid W. S. W. Sir W. D. W. A. and C. B. had, as laſt aforeſaid, afterwards, to wit, on the ſaid twenty-ſecond day of February, in the ſeventeenth year aforeſaid, at W. aforeſaid, in the county of Middleſex aforeſaid, and the falſe pretences aforeſaid, and alſo by colour of a certain bond executed by the ſaid W. S. W. to the ſaid H. S. in the penal ſum of three thouſand pounds of lawful, &c. conditioned for the payment by the ſaid W. S. W. his heirs, executors or adminiſtrators, unto the ſaid H. S. his executors, adminiſtrators or aſſigns, of an annuity of two hundred and fifty

ad count, for fraudulently getting into his (defendant's) hands a large ſum of money under pretence of his having ſeveral eſtates, and under colour of a bond, &c.

pounds, by two equal half yearly payments, on the twenty-second day of Auguſt, and the twenty-ſecond day of February, from thenceforth, in every year during the life of the ſaid W. S. W. at or in the common dining hall of Lincoln's Inn, in the ſaid county of Middleſex, and alſo a proportionable part of the laſt half-yearly payment of the ſaid annuity, up to the day of the deceaſe of the ſaid W. S. W. without making any deduction, defalcation, or abatement whatſoever, and alſo a certain warrant of attorney to confeſs judgment in his majeſty's court of common pleas at Weſtminſter, againſt the ſaid W. S. W. on the ſaid bond, and alſo by colour and pretence of a certain indenture, whereby the ſaid W. S. W. covenants with the ſaid H. S. to charge certain eſtates in the county of S. after the deceaſe of his mother, with the payment of the ſaid annuity, fraudulently and unlawfully did obtain, acquire, and get into the hands and poſſeſſion of the ſaid W. S. W. the ſum of one thouſand five hundred pounds, of lawful money, &c. of and from the ſaid H. S. and did thereby then and there defraud the ſaid H. S. of the ſaid laſt-mentioned money; whereas in truth and fact, the ſaid W. S. W. was not then in poſſeſſion of any eſtate in the county of S. nor would at the death of his the ſaid W. S. W.'s mother, be entitled to any eſtates in the county of S. as was falſely pretended as aforeſaid; and the ſaid W. S. W. Sir W. D. W. A. and C. B. then and there well knowing the ſame: And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay that the ſaid W. S. W. Sir W. D. W. A. and C. B. according to the conſpiracy, combination, and agreement between them as aforeſaid, before had him the ſaid H. S. of the ſaid ſum of one thouſand five hundred pounds, in manner and form aforeſaid, fraudulently and unlawfully did deceive and defraud, to the great damage of the ſaid H. S. and againſt the peace of our ſaid lord the king, his crown and dignity, &c.

G. Wood.

This indenture made the twenty-ſecond day of February, in the ſeventeenth year of the reign of our ſovereign lord George the Third, and in the year of Our Lord 1777, between W. S. W. of St. James's-place, in the liberty of Weſtminſter, and county of Middleſex, eſquire, eldeſt ſon of W. W. formerly of W. in the county of S. gentleman, deceaſed, by Suſannah his wife, now his widow, and which ſaid S. was grand-daughter of T. S. late of Great Y. in the county of N. merchant, of the one part, and H. S. of C. in the county of M. eſquire, of the other part, whereas the ſaid W. S. W. on the death of his mother, will become ſeiſed of and intereſted in, or entitled unto divers eſtates, both freehold and leaſehold of a very conſiderable amount, by virtue of and under a certain indenture of releaſe and aſſignment of four parts, made previous to the marriage of the ſaid W. W. and Suſan his wife, bearing date the twenty-ſecond of May, *A. D.* 1752, and made and mentioned to be made between the ſaid I. S. of the firſt part,

W. M.

W. M. and I. E. therein partly described, of the second part, the said W. W. of the third part, and the said S. of the fourth part, and whereas the said H. S. had contracted and agreed with the said W. S. W. for the purchase of an annuity or yearly sum of two hundred and fifty pounds of lawful money of Great Britain, payable to him the said H. S. his executors, administrators, and assigns, during the life of the said W. S. W. at or for the price or sum of one thousand five hundred pounds, and which said sum of one thousand five hundred pounds the said H. S. hath paid to the said W. S. W. at or before the sealing and delivering of these presents, and for the payment of the said annuity or yearly sum of two hundred and fifty pounds, unto the said H. S. his heirs, administrators, and assigns, during the natural life of the said W. S. W. in and by one bond or obligation, bearing even date herewith, is become bound to the the said H. S. in the penal sum of three thousand pounds, with a condition to be void on payment by the said W. S. W. unto the said H. S. his executors, administrators, and assigns, yearly and every year for and during the term of the natural life of the said W. S. W. at or in the common dining-hall of Lincoln's Inn, in the said county of Middlesex, of one clear annuity or yearly sum of two hundred and fifty pounds of lawful money, &c. by half yearly payments, on the days and times, and in the manner in the condition of the said recited bond, mentioned and applied for payment thereof; and hath also for the better securing the payment thereof, executed a warrant of attorney, bearing even date herewith, to confess judgment in his majesty's court of common pleas, at Westminster, at the suit of the said H. S. for three thousand pounds debt, on the said recited bond, with costs of suit; and the said W. S. W. for the better securing the payment of the said annuity or yearly sum of two hundred and fifty pounds, (OMITTED IN INDICTMENT), *during the life of him the said W. S. W.* hath agreed that in case he survives his said mother, he the said W. S. W. will within the space of six months after her decease, by proper and valid deeds or instruments in the law, charge and make chargeable, the said real estate, which he will come into the possession of, and under and by virtue of the said hereinbefore part in recited indenture of settlement, with the payment of the said annuity or yearly sum of two hundred and fifty pounds, during the life of the W. S W. to the said H. S. his executors, administrators, or assigns; now this indenture witnesseth, that in consideration of the premises, and the sum of one thousand five hundred pounds of lawful money, &c. to the said W. S. W. in hand, paid by the said H. S. at or before the sealing and delivery of these presents, the receipt whereof, he the said W. S. W. doth hereby acknowledge, and thereof, and of, and from every part thereof doth acquit, release, and discharge the said H. S. his heirs, executors, administrators, and assigns, and every of them for ever by these presents, he the said W. S. W. doth hereby for himself, his heirs, executors, and administrators, covenant, promise, and agree to and with the said H. S. his heirs, executors, administrators, and

assigns, that he the said W. S. W. in case he shall survive and outlive his mother, shall and will within six months next after her decease, at the costs and charges of the said W. S. W. by such good and sufficient conveyances and assurances in law as the counsel of the said H. S. his executors, administrators, and assigns, shall advise and direct, well and sufficiently charge, and make chargeable all and singular the messuages, lands, tenements, meadows, pastures, and hereditaments whatsoever, formerly of the said T. S. situate, lying, and being in W. S. S. E. and I. in the county of S. or some or one of them, of the clear yearly value of three hundred pounds or upwards, to which the said W. S. W. is entitled after the decease of his said mother as aforesaid, with the payment of the said annuity, yearly rent, charge, or annual sum of one hundred and fifty pounds, of lawful, &c. and all arrears of the same which may then happen to be due, and be made payable to the said H. S. his executors, administrators, and assigns, during the life of the said W. S. W. on the days and times, at the place, and in manner, in and by the condition of the hereinbefore recited bond or obligation mentioned and appointed for the payment thereof; and that in such deed there shall be inserted such clauses, powers, and remedies for obtaining and recovering the said annuity or yearly sum of two hundred and fifty pounds, during the life of the said W. S. W. as he the said H. S. his executors, administrators, or assigns, or his or their counsel learned in the law shall reasonably advise or require. In witness, &c.

Your opinion is desired upon all the circumstances of this case whatever, notwithstanding W.'s having been acquitted on this indictment, whether another of the same tendency may not be preferred against him and the Rev. Mr. B.; if you are of opinion there is sufficient evidence stated in this case to convict them? is it any objection to the testimony of J. A. D. and B. on behalf of such prosecution, (who may be compelled to attend and give evidence), their having been indicted and acquitted as above-stated, and do you think such a step the most adviseable for Mr S. to recover his money, B. being a man of good fortune, or what other means would you advise Mr. S. now to pursue?

Opinion.

I think the circumstances above-stated sufficiently prove a conspiracy between Mr. B. and W. to defraud Mr. S. Mr. B. perfectly understood that W. was an impostor, and that he had himself been cheated by him, when he applied to Sir W. D. fraudulently misrepresenting W. as a man of immense fortune, and by that means facilitating W.'s endeavours to procure by Sir W. D's agency, the money from Mr. S. and a jury will find no difficulty in concluding that these applications to Sir W. D. by Mr B. and W. were in consequence of a preconcerted scheme between them, especially when it is considered, that in order to effect the delusion of Mr. B. he enabled W. to remove Mr. S's objections with respect to the judgments which had been entered up at his suit, under an express agreement between them that Mr. B. should have, and actually received one thousand and forty-two pounds of the one thousand five hundred which Mr. S. was by that means meant to be, and afterwards was cheated out of. I am therefore of opinion that Mr. B. would be convicted on an indictment of conspiracy which seems the most probable means of Mr. S.'s obtaining satisfaction for the gross cheat which has been practised upon him. W. having been already acquitted upon an indictment of conspiracy with other defendants, of whom Mr. B. was not one, is no ground of objection to another indictment of conspiracy, though

though of the same nature, with Mr B. only; nor is it any objection to the testimony of J. A. D. and B. in behalf of such prosecution, that they were indicted and acquitted as above-mentioned.

W. DAVY.

Indictment of A. and B. for a conspiracy to defraud H S. of 1500l. under pretence of A's securing to be paid to C. an annuity of 250l. during A's life, by B's falsely representing, &c.

MIDDLESEX, to wit. The jurors for our lord the king, upon their oath present, that W. S. W. late of the parish of Saint James, in the liberty of Westminster, in the county of Middlesex, esquire, and R. H. B. late of Mill-bank, Westminster, in the county aforesaid, clerk, wickedly and unjustly devising and intending to defraud one H. S. esquire, of his money, on the twelfth day of February, in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. &c. &c. at Westminster, in the county of Middlesex aforesaid, did wilfully, fraudulently, falsely, and unlawfully did conspire, combine, and agree among themselves to cheat and defraud the said H. S. of a large sum of money, under a false and deceitful colour, and pretence of the said W. S. W.'s having and securing to be paid unto the said H. S. his executors, administrators, and assigns, a certain annuity to be payable during the natural life of the said W. S. W. in consideration of the said sum of money, and that the said R. H. B. in pursuance of and according to the conspiracy, combination, and agreement so as aforesaid had and made between him the said W. S. W. afterwards, to wit, on the said twentieth of January, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, wickedly, falsely, fraudulently, unlawfully, and deceitfully did pretend and represent to one Sir William D. knight (he the said Sir William, being then and there an agent of the said H. S.), that the said W. S. W. was a man of an immense fortune, and that the said W. S. W. according to the said conspiracy, combination, and agreement so as aforesaid had and made between him and the said R. H. B. afterwards, to wit, on the same day and year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, wickedly, falsely, fraudulently, unlawfully, and deceitfully did pretend and represent to the said Sir W. D. (he the said Sir W. D. then and there being an agent of the said H. S.) that he the said W. S. W. was in present possession of one thousand pounds *per annum*, consisting of certain estates and lands called L. A. and B. in the county of S. and that there then was on the said estates timber worth five thousand pounds, and that the said W. S W. at the death of his mother was entitled to the following estates in the county of S. that is to say, W. I. L. E. and F. worth seven hundred and fifty pounds *per annum*, with the timber thereon of the value of five thousand pounds, and that he the said W. S. W. would be at the death of his grandfather aged ninety-five years, entitled to a capital estate called Onslow estate, worth two thousand seven hundred pounds *per annum*, and that he the said W. S. W. was then heir to two hundred thousand pounds and upwards, expectant on the death of his aunt, and that the said H. S. might have a recital of those expectances, and a charge upon any of them for securing the said annuity, if he the said

said H. S. should think proper, but that he the said W. S. W. would not encumber his then present estate, except by bond and judgment, and that the said W. S. W. in pursuance of, and according to the said wicked conspiracy, combination, and agreement so as aforesaid had and made between him the said R. H. B. afterwards, to wit, on the twenty-fifth day of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, did fraudulently, falsely, and unlawfully represent to the said H. S. that all the judgments which had been theretofore entered up in the court of our sovereign lord the king against him the said W. S. W. were satisfied, and that the said W. S. W. in pursuance of, and according to the said conspiracy, combination, and agreement aforesaid, between him and the said R. H. B. so as aforesaid, had afterwards, to wit, on the said twenty-fifth day of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, and in order to obtain a large sum of money, to wit, the sum of one thousand five hundred pounds, from the said H. S. under such pretences as are before-mentioned, did falsely, fraudulently, and deceitfully sign, seal, and execute a certain bond, bearing date the twenty-second day of February, in the seventeenth year aforesaid, to the said H. S. in the penal sum of three thousand pounds of lawful money of, &c. conditioned for the payment by the said W. S. W. his heirs, executors, or administrators to the said H. S. his executors, administrators, or assigns, of an annuity of two hundred and fifty pounds, by equal half yearly payments, on the several days and times following, that is to say, on the twenty-second of August, and the twenty-second of February, from thenceforth, in every year during the life of the said W. S. W. at or in the common dining-hall of Lincoln's Inn, in the county of Middlesex, and also a proportionable part of the last half yearly payment of the said annuity, up to the day of the decease of the said W. S. W. without making any deduction, defalcation, or abatement whatsoever, and also a certain warrant of attorney, bearing date the same twenty-second day of February, in the seventeenth year aforesaid, authorizing any attorney of the court of common pleas at Westminster to confess a judgment in the same court against the said W. S. W. on the said bond; and also a certain indenture bearing date the said twenty-second day of February, in the seventeenth year aforesaid, purporting to be made between the said W. S. W. of St. James's place, in the liberty of Westminster, and county of Middlesex, esquire, eldest son of W. W. formerly of W. in the county of S. gentleman, deceased, by S. his wife, and then his widow, and which said S. was the grandmother of T. S. late of Great Y. in the county of N. merchant, of the one part, and the said H. S. of the other part, reciting that the said W. S. W. on the death of his mother became seised of, interested in, or intitled unto divers estates both freehold and leasehold, of a very considerable annual value, by virtue of and under a certain indenture of release and assignment of four parts, made previous to the marriage of the said W. W. and S. his wife, bearing date the twenty-second day of May 1752,

1752, and made or mentioned to be made between the ſad I. S. of the one part, W. S. and I. E. therein particularly deſcribed of the ſecond part, the ſaid W. W. of the third part, and the ſaid S. of the fourth part, and reciting the ſaid H. S. having purchaſed the annuity for the ſum of one thouſand five hundred pounds, and alſo reciting the ſaid bond and warrant, and that the ſaid W. S. W. for the better ſecuring of the payment of the ſaid annuity, hath agreed, that in caſe he ſurvived his ſaid mother, he the ſaid W. S. W. would within the ſpace of three months next after her deceaſe, by proper and valid deeds and inſtruments in the law, charge and make chargeable the ſaid real eſtates which he would come into the poſſeſſion of, under, and by virtue of the ſaid hereinbefore in part recited indenture of ſettlement, with the payment of the ſaid annuity; it was by the ſaid indenture of the twenty-ſecond of February, in the ſeventeenth year aforeſaid, witneſſed, that the ſaid W. S. W. for himſelf, his heirs, executors, and adminiſtrators, did covenant and grant to and with the ſaid H. S. his heirs, executors, adminiſtrators, and aſſigns, that the ſaid W. S. W. in caſe he ſhould ſurvive and outlive his ſaid mother, ſhould and would, within ſix months next after her deceaſe, at the coſts and charges of him the ſaid W. S. W. by ſuch good and ſufficient covenants and aſſignments in the law as the counſel of the ſaid H. S. ſhould deviſe and direct, well and ſufficiently charge and make chargeable all and ſingular the meſſuages, lands, tenements, meadows, paſtures, and hereditaments whatſoever, formerly of the ſaid T. S. in W. S. S. E. and in the county of S. or ſome or one of them, of the clear yearly value of three hundred pounds or upwards, to which the ſaid W. S. W. was entitled after the deceaſe of his mother as aforeſaid, with the payment of the ſaid annuity, and all arrears of the ſame which might then happen to be due; and the ſaid W. S. W. in purſuance of and according to the ſaid conſpiracy, combination, and agreement aforeſaid had between them and the ſaid R. H. B. then and there, to wit, on the ſaid twenty-fifth day of February, in the ſeventeenth year aforeſaid, at W. aforeſaid, in the county of Middleſex aforeſaid, by the falſe pretences aforeſaid, and by execution of the ſaid bond, warrant of attorney, and indenture, did wickedly, fraudulently, and unlawfully obtain, acquire, and get into the hands and poſſeſſion of him the ſaid W. S. W. the ſum of one thouſand five hundred pounds of lawful money, &c. and did thereby cheat and defraud the ſaid H. S. of the ſum of one thouſand five hundred pounds: whereas in truth and in fact the ſaid W. S. W. was not a man of immenſe fortune as was falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. and R. H. B. at the time of making ſuch pretence and repreſentation, well knew the ſame, to wit, at W. aforeſaid, in the county of Middleſex: and whereas in truth and in fact the ſaid W. S. W. was not in poſſeſſion of one thouſand pounds *per annum*, conſiſting in eſtates or lands, called L. A. and B. in the county of S. or of any other eſtates or lands in the ſaid county of S. as was falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. and R. H. B.

1ſt Neg.

2d Neg.

R. H. B. at the time of making ſuch falſe pretence and repreſentation well knew the ſame, to wit, at W. aforeſaid, in the ſaid
3d Neg. county of Middleſex: and whereas in truth and in fact the ſaid W. S. W. was not, nor would at the death of his mother be entitled to the ſaid eſtates in the county of S. called W. L. L. E. and F. worth ſeven hundred and fifty pounds *per annum*, with timber thereon of the value of five thouſand pounds, or of any of thoſe eſtates as was falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. and R. H. B. at the time of making ſuch falſe pretence and repreſentation well knew the ſame, to wit, at W.
4th Neg. aforeſaid, in the county of Middleſex aforeſaid: and whereas in truth and in fact the ſaid W. S. W. would not be at the death of his ſaid grandfather entitled to the ſaid eſtate called O. eſtate, worth two thouſand ſeven hundred pounds *per ann.* or to any other eſtates or lands whatſoever, as was falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. and R. H. B. at the time of making ſuch falſe pretence and repreſentation well knew the ſame, to wit, at Weſtminſter aforeſaid, in the county of Mid-
5th Neg. dleſex aforeſaid: and whereas in truth and in fact, the ſaid W. S. W. had not any grandfather living at the time of making the ſaid ſeveral falſe pretences, or any of them; and the ſaid W. S. W. and R. H. B. at the time of making thereof well knew the ſame, to wit,
6th Neg. at W. aforeſaid, in the ſaid county of Middleſex: and whereas in truth and in fact, the ſaid W. S. W. was not heir to two hundred thouſand pounds and upwards, or to any other ſums of money, eſtates, or effects whatſoever, expectant on the death of any aunt of him the ſaid W. S. W. as was falſely pretended and repreſented as aforeſaid; and the ſaid W. S. W. and R. H. B. at the time of making ſuch falſe pretence and repreſentation as laſt aforeſaid well knew the ſame, to wit, at W. aforeſaid, in the ſaid county of
7th Neg. Middleſex: and whereas in truth and in fact none of the judgments which had been theretofore entered up in the ſaid court of our ſaid lord the king, before the king himſelf, againſt the ſaid W. S. W. were then ſatisfied and diſcharged, as was ſo falſely pretended and repreſented, and the ſaid W. S. W. and R. H. B. at the time of making ſuch falſe pretence and repreſentation, well knew the ſame, and all theſe ſaid judgments are now unſatisfied, to wit, at W. aforeſaid, in the ſaid county of Middleſex: And the jurors aforeſaid, upon their oath aforeſaid, do ſay that the ſaid W. S. W. and R. H. B. according to the conſpiracy, combination, and agreement between them had and made as aforeſaid, the aforeſaid H. S. of the ſaid ſum of one thouſand five hundred pounds in manner and form aforeſaid, fraudulently and unlawfully did deceive and defraud, to the great damage of the ſaid H. S and againſt the peace of our ſaid lord the
2d Count. king, his crown and dignity. And the jurors aforeſaid, upon their oath do further preſent, that the ſaid W. S. W. late of the pariſh of Saint James, in the liberty of W. in the ſaid county of Middleſex, eſquire, and R. H. B. late of Mill-bank, W. in the ſaid county of Middleſex, clerk, wilfully and unjuſtly deviſing and intending to cheat and defraud the ſaid H. S. of his money on the twentieth

of

of January, in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. at W. in the county of Middlesex aforesaid, wickedly, falsely, fraudulently, and unlawfully did conspire, combine, and agree among themselves to obtain, acquire, and get into their hands and possession, of and from the said H. S. a large sum of money under a false colour and pretence, of the said W. S. W. securing unto the said H. S. a certain annuity to be payable by the said W. S. W. to the said H. S. during the natural life of the said W. S. W. and that the said W. S. W. and R. H. B. in pursuance of, and according to the said last-mentioned conspiracy, combination, and agreement aforesaid, between them aforesaid had and made, afterwards, to wit, on the twenty-fifth of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, did falsely, fraudulently, unlawfully, and deceitfully pretend to the said Sir W. D. (he the said Sir W. D. then and there being an agent of the said H. S.), that the said W.S. W. then was a man of an immense fortune, and that the said W. S. W. was in present possession of a large estate, in the county of S. and that the said W. S. W.'s mother was entitled to certain other large estates in the county of S. and that the said W. S. W. and R. H. B. in pursuance of and according to the conspiracy, combination, and agreement between them the said W. S. W. and R. H. B. had as last aforesaid, afterwards, to wit, on the said twenty-fifth of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, by the false pretences aforesaid, also by the colour of a certain bond, executed by the said W. S. W. to the said H. S. in the penal sum of three thousand pounds of lawful money of Great Britain, conditioned for the payment by the said W. S. W. his heirs, executors, or administrators, unto the said H. S. his executors, administrators, or assigns, of an annuity of two hundred and fifty pounds, by two equal half yearly payments, on the twenty-second of August, and twenty-second of February, from thenceforth in every year during the life of the said W. S. W. at or in the common dining-hall of Lincoln's Inn, in the said county of Middlesex, and also a proportionable part of the last half yearly payment of the said annuity up to the day of the decease of the said W. S. W. without making any deduction, defalcation, or abatement whatsoever, and also a certain warrant of attorney to confess judgment in his majesty's court of common pleas at Westminster, against the said W. S. W. on the said bond, and also by colour and pretence of a certain indenture, whereby the said W. S. W. covenanted with the said H. S. after the decease of his mother, with the payment of the said annuity, fraudulently, and unlawfully did obtain, acquire, and get into the hands and possession of the said W. S. W. the sum of one thousand five hundred pounds of lawful money of Great Britain, of and from the said H. S. and did thereby then and there defraud the said H. S. of the said last-mentioned money, whereas in truth and in fact the said W. S. W. was not a man of immense fortune, nor was then in possession of any estate, in the county of S. nor

would

would be at the death of his the ſaid W. S. W.'s mother, be entitled to any eſtates in the county of S. as was falſely pretended as aforeſaid; and the ſaid W. S. W. and R. H. B. then and there well knew the ſame; and ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay that the ſaid W. S. W. and R. H. B. according to the conſpiracy, combination, and agreement between them as aforeſaid, before had of him the ſaid H. S. the ſum of one thouſand five hundred pounds, in manner and form aforeſaid, fraudulently and unlawfully did deceive and defraud, to the great damage of the ſaid H. S. and againſt the peace of our ſaid lord the king, his crown and dignity, &c. G. WOOD.

As this and the preceding indictment made a ſubject of much diſcuſſion as well out of the Count as in it, at the time when they were preferred; and were moſt ably drawn and ſettled; I have thought them of ſufficient importance to inſert both together, with the deed which gave riſe to the proſecutions.

Indictment for a conſpiracy to hold to bail A B. for the ſum of 1100l. on an affidavit which was ſworn before the clerk to the ſigner of the bills of Middleſex.

LONDON, to wit. The jurors for our lord the king, upon their oath preſent, that Ambroſe Sheers, late of Cock-lane, in the pariſh of , and Thomas Collins, late of Spread-Eagle-court, Gray's Inn-lane, labourer, wickedly, maliciouſly, and unjuſtly deviſing and intending to aggrieve one Joſeph Robſon, and alſo to ſubject him without any juſt cauſe, to divers coſts and charges, and to force and oblige him to undergo and ſuffer many great and arduous troubles both of body and mind, on the fourth of April, in the twentieth year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. at London aforeſaid, that is to ſay at the pariſh of St. Dunſtan in the Weſt, in the ward of Farringdon Without, in London aforeſaid, wickedly, unlawfully, and maliciouſly did conſpire, combine, and agree together to cauſe and procure the ſum of one thouſand one hundred pounds to be indorſed upon a certain precept of our lord the now king, called a bill of Middleſex, iſſued out of the court of our ſaid lord the now king, before the king himſelf, by virtue whereof, the ſaid Joſeph R. might be arreſted to anſwer in the ſame court, at the ſuit of the ſaid T. C. by the name of Thomas Jones, with an intention that the ſaid Joſeph R. might be compelled to find bail for the ſaid ſum of one thouſand one hundred pounds, according to the form of the ſtatute in ſuch caſe made and provided, and that the ſaid T. C. in purſuance of and according to the conſpiracy, combination, and agreement ſo as aforeſaid had and made between him the ſaid Ambroſe S. afterwards, to wit, on the fourth of April, in the twentieth year aforeſaid, at London aforeſaid, that is to ſay at the pariſh of Saint Dunſtan in the Weſt aforeſaid, in the ſaid ward of Farringdon Without, in London aforeſaid, in his own proper perſon came before B. Braithwaite, gentleman, then and ſtill being deputy to William Marſhall, then and yet ſigner of the ſaid precepts of our ſaid lord the now king, called bills of Middleſex, out of the court of our ſaid lord the king, before the king himſelf, (which ſaid William Marſhall, by virtue of his ſaid office, and according to the

cuſtom of the ſaid court, *was ſuch ſigner* (*a*) in that behalf), and the ſaid T. C. in purſuance of, and according to the ſaid wicked conſpiracy, combination, and agreement ſo as aforeſaid had and made between him and the ſaid Ambroſe S. afterwards, to wit, on the ſaid fourth of April, in the twentieth year of the reign, &c. at, &c. aforeſaid, did take his corporal oath, upon the holy Goſpel of God, before the ſaid B. Braithwaite, then and there having full and ſufficient power and authority to adminiſter an oath to the ſaid T. C. in that behalf, by virtue of a certain act of parliament, made at a parliament holden by ſeveral prorogations at Weſtminſter, on the twentieth of January, in the twelfth year of the reign of the late king George the firſt, of Great Britain, France, and Ireland, intitled "an act "to prevent frivolous and vexatious arreſts," and did then and there before the ſaid B. B. the deputy aforeſaid, upon his oath aforeſaid, falſely, maliciouſly, wickedly, and corruptly ſay, depoſe, ſwear, and make affidavit in writing amongſt other things, that the ſaid J. R. was then juſtly and truly indebted to him the ſaid T. C. in the ſum of one thouſand one hundred pounds, money lent and advanced to the ſaid J. R. which ſaid affidavit was entitled as followeth, "King's Bench, Thomas Jones, plaintiff, "J. Robſon, defendant," as by the ſaid affidavit filed in court may more fully appear: whereas in truth and in fact, at the time at which the ſaid C. did take his ſaid oath, and make his ſaid affidavit in form aforeſaid, the ſaid J. R. was not juſtly and truly indebted to the ſaid T. C. in the ſum of one thouſand one hundred pounds, money lent and advanced to the ſaid J. R. and the ſaid A. S. and T. C. at the time of taking ſuch oath, and making ſuch affidavit, well knew the ſame, to wit, at W. aforeſaid: and whereas in truth and in fact, at the time on which the ſaid T. C. did take his ſaid oath, and make his ſaid affidavit, in form aforeſaid, the ſaid J. R. was not juſtly and truly indebted to the ſaid T. C. in any ſum of money whatſoever lent and advanced to the ſaid J. R. and the ſaid A. S. and T. C. at the time of taking ſuch oath and making ſuch affidavit, well knew the ſame, to wit, at W. aforeſaid; and whereas in truth and in fact, at the time on which the ſaid T. C. did take his ſaid oath, and make his ſaid affidavit in form aforeſaid, he the ſaid J. R. was not indebted to the ſaid T. C. in the ſaid ſum of one thouſand one hundred pounds, or in any other ſum whatſoever, upon any account whatſoever, and the ſaid A. S. and T. C. at the time of taking ſuch oath, and making ſuch affidavit, well knew the ſame, to wit, at W. aforeſaid, by reaſon and means of which ſaid conſpiracy, combination, and agreement, ſo as aforeſaid, had and made between the ſaid A. S. and the ſaid T. C. the ſaid J. R. has been put to great expence of his money, and has undergone and ſuffered many great and arduous troubles both of body and mind, to the great damage of the ſaid J. R. to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity, &c.

Averment that A. was not indebted.

Averment that A. was not indebted in any ſum.

(*a*) Omitted in the draft.

MIDDLESEX.

Indictment against defendants, for conspiring against one A. B. and accusing him of having forged the will of one C. D. in order to defraud the heirs of C. D. whereby he was taken up and committed to prison, and a bill of indictment was preferred against him, which was returned "not found."

MIDDLESEX. The jurors for our sovereign lord the king present, that Mary Thompson, late of, &c. John Edward, late of, &c. and Rose Edward his wife, Luke Sherlock, late of, &c. and Mary Sherlock his wife, Catherine Honeywood, late of, &c. Lewis Pritchard, late of, &c. Dennis Currin, late of, &c. James Cotton, late of, &c. James Broadhurst, late of, &c. and Paul Chambers, late of, &c. being persons of evil minds and dispositions, and most wickedly contriving and intending to oppress and aggrieve one John Farrell, and not only unjustly to deprive him of his credit and good reputation, but most unjustly to accuse him of felony and forgery, and as far as in them lay to subject him to the pains and penalties thereof, on, &c. in the tenth year of the reign, &c. and on divers other days and times between that day and the twenty-seventh, &c. in the tenth year aforesaid, with force and arms, at, &c. did wickedly, diabolically, unlawfully, and maliciously combine, conspire, confederate, and agree together, falsely to accuse and charge the said John Farrell that he the said J. F. had feloniously and falsely made, forged, and counterfeited the last will and testament of one C. B. before that time deceased, dated the seventeenth day, &c. with intention to defraud the next of kin of the said C. B.; and in further prosecution of their wicked devices and intentions, they the said defendants (naming them), according to the conspiracy, combination, and agreement between them as aforesaid had, afterwards, to wit, on, &c. in, &c. did upon the oaths of the said Catherine Honeywood and the said Lewis Pritchard, or one of them, by them or one of them in that behalf made before Sir J. F. then and yet one of the justices of our said lord the king, assigned to keep the peace of our said lord the king within the said county, cause a warrant to be issued forth, under the hand and seal of the said justice, against him the said John Farrell, for a certain charge therein contained, to wit, for feloniously and falsely making, forging, and counterfeiting a certain will and testament, purporting to be the last will and testament of C. B. dated the seventeenth, &c. with intention to defraud the next of kin of the said C. B. or some other person or persons in the said warrant named, that the said John Farrell might be apprehended by virtue thereof; and the said John Farrell afterwards, to wit, on, &c. in the tenth year aforesaid, was taken and apprehended by virtue of the said warrant, and committed by the said Sir J. F. to prison, to wit, to his majesty's gaol of Newgate, on the charge aforesaid: And the jurors aforesaid, upon their oath aforesaid, do further present, that in further prosecution of the said wicked devices and intentions of them the said Mary Thompson, &c. (the other defendants), and according to the conspiracy, combination, and agreement between them as aforesaid, the said Catherine Honeywood and Lewis Pritchard afterwards, to wit, at the general quarter sessions of oyer and terminer of our said lord the king, holden for the city of London, at Justice Hall, in the Old Bailey, within the parish of, &c. on Wednesday the twenty-fifth, &c. in the tenth year of, &c. before W. B. esquire, mayor of the said city of London,

don, Sir R. A. one of the barons of the court of exchequer of our said lord the king, Sir W. S. knight, one of the aldermen of the said city of London, &c. &c. &c. and other their fellow justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to the same justices before named and others, or any four or more of them, directed to enquire more fully the truth, by the oath of good and lawful men of the said city of London, and by other ways and means and methods by which they should or might better know (as well within liberties as without), by whom the truth of the matter might be better known, of all treasons, felonies, and other crimes, misdemeanors, evil doings, offences, and injuries whatsoever, and also the accessaries of them, within the city of London aforesaid (as well within liberties as without), by whomsoever, or in what manner soever, done, committed, or perpetrated, and by whom, or to whom, when, how, and after what manner, and the said treasons and other the premises to hear and determine, according to the laws and customs of England, did exhibit a certain bill of indictment against the said J. F. by the name and addition of J. F. late of London, gentleman, to C. W. &c. &c. &c. &c. good and lawful men of the said city of London, then and there sworn and charged for our said lord the king for the body of the said city; which said bill of indictment was by the said jurors abovenamed then and there returned in the said court before the said justices of our said lord the king abovenamed, and other their fellows as aforesaid, thus indorsed, "Not found;" and which said bill of indictment is as follows (here copy the bill of indictment and the will) with intention to defraud one John Edward and Rose his wife, and Mary Thompson, against the form of the statute, &c. and against the peace, &c. his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, further present for our said lord the king, that the said J. F. afterwards, on, &c. with force and arms, at, &c. that is to say, at the said parish of, &c. feloniously did utter and publish as true a certain false, forged, and counterfeited will and testament; which said last-mentioned will and testament is as follows, that is to say (here copy the will), with intention to defraud the abovenamed J. E. and Rose his wife, and Mary Thompson, the said J. F. at the said time and place when and where here uttered and published the said last-mentioned false, feigned, and counterfeited will and testament, then and there well knowing the same to be false, feigned, and counterfeited, against the form of the statute, &c. and against the peace, &c. his crown and dignity, with intent to aggrieve the said J. F. and to put him to great expences and charges, and to subject him to the pains and penalties provided by the laws of this realm against those that are guilty of such felony and forgery as is above charged upon the said J. F. to the great damage and disgrace of the said J. F. in contempt of our said lord the king and his laws, to the evil example of all others, &c. and against the peace, &c. his crown and dignity. And the jurors aforesaid first above mentioned do further present,

Set out a count of the indictment preferred.

that the ſaid Mary Thompſon, &c. &c. &c. (the other defendants) being perſons of evil minds and diſpoſitions, wickedly contriving and intending to oppreſs and aggrieve the ſaid J. F. and moſt unjuſtly to accuſe him of felony and forgery, and as far as in them lay to ſubject him to the pains and penalties thereof, afterwards, to wit, on, &c. and on divers other days and times between that day and the twenty-ſeventh day of, &c. with force and arms, at, &c. did wickedly, diabolically, unlawfully, and maliciouſly combine, conſpire, and agree, and confederate together, falſely to accuſe and charge the ſaid J. F. that he the ſaid J. F. had feloniouſly and falſely made, forged, and counterfeited the laſt will and teſtament of one other C. B. before that time deceaſed, dated the ſeventeenth, &c. with intention to defraud the next of kin of her the ſaid C. B. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid defendants afterwards, to wit, on, &c. in the eighteenth year aforeſaid, at, &c. in, &c. according to the conſpiracy, combination, and agreement between them had as laſt aforeſaid, did falſely, unlawfully, and maliciouſly accuſe and charge, and cauſed to be accuſed and charged, the ſaid J. F. before the ſaid Sir J. F. then and yet being one of the juſtices of our ſaid lord the king aſſigned to keep the peace of our ſaid lord the king within the ſaid county of Middleſex, that he the ſaid J. F. had feloniouſly and falſely made, forged, and counterfeited the laſt will and teſtament of the ſaid C. B. deceaſed, dated the ſeventeenth day, &c. with intention to defraud the next of kin of the ſaid C. B. whereas in truth and in fact the ſaid J. F. was not in any reſpect guilty of feloniouſly or falſely making, forging, or counterfeiting the ſaid laſt will and teſtament of the ſaid laſt-named C. B. or of any other perſon whatſoever, to the great damage of the ſaid J. F. in contempt of our ſaid lord the king and his laws, to the evil example of all others in the like caſe offending, and againſt the peace of our lord the king, his crown and dignity.

The indictment was removed from the ſeſſions into the king's bench, and the defendants Edward and his wife, Sherlock and his wife, and M. Thompſon, pleaded not guilty..

Indictment againſt the defendants for conſpiring againſt one A. B. accuſing him of having poiſoned four horſes, and exhibiting a bill of indictment againſt him, upon the trial of which he was acquitted.

LINCOLNSHIRE, ſſ. The jurors for our lord the king, upon their oath do preſent, that W. W. late of, &c. grazier, T. S. late of, &c. grazier, T. W. late of, &c. grazier, T. H. late of, &c. gentleman, J. A. late of, &c. gentleman. R. B. late of, &c. merchant, W. S. late of, &c. yeoman, and A. T. late of, &c. ſingle woman, being perſons of evil name and fame, and of diſhoneſt converſation, and wickedly deviſing and unjuſtly intending to deprive one R. C. of his good name, credit, and reputation, and alſo to ſubject the ſaid R. C. without any juſt cauſe, to the pains and puniſhments inflicted by law on perſons feloniouſly killing of cattle, contrary to the ſtatute in, &c. heretofore, to wit, on, &c. among themſelves did conſpire, combine, and agree falſely to charge

charge and accuſe the ſaid R. C. that he the ſaid R. C. had then lately, with force and arms, at, &c. in, &c. feloniouſly, unlawfully, wilfully, and maliciouſly killed and deſtroyed four geldings, of the goods and chattels of the ſaid R. B. and one T. B. and one W. G. the younger, againſt the form of the ſtatute, &c.; and that the ſaid R. C. had then lately before, to wit, at, &c. feloniouſly, unlawfully, wickedly, and maliciouſly, by poiſon, killed and deſtroyed four geldings of the ſaid R. B. T. B. and W. G.; and that he the ſaid R. C. had then lately before, to wit, at, &c. feloniouſly, unlawfully, wickedly, and maliciouſly mixed together white arſenic, oats, and water; and the ſaid white arſenic, oats, and water, ſo mixed together, had feloniouſly, unlawfully, wickedly, and maliciouſly given to four geldings, the goods and chattels of the ſaid R. B. T. B. and W. G. contrary to the form of the ſtatute aforeſaid, to eat, he the ſaid R. B. well knowing the ſaid white arſenic to be a deadly poiſon; and that the ſaid four geldings, by eating thereof, died, to the great damage of the ſaid R. B. T. B. and W. G. againſt the form of the ſtatute, &c. and againſt the peace, &c. his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that in further proſecution of the ſaid wicked devices and intentions of them the ſaid W. W. &c. &c. &c. afterwards, to wit, at the general ſeſſions of oyer and terminer of our ſovereign lord the king, holden in and for the county of L. at the caſtle of Lincoln, in the ſame county, on, &c. in the twelfth year of the reign, &c. before Sir William De Grey, &c. &c. &c. and other their fellow juſtices of our ſaid lord the king aſſigned to inquire of all treaſons, murders, &c. whatſoever, and alſo to hear and determine the ſame in the ſaid county of L. did exhibit a certain bill of indictment againſt the ſaid R. C. by the name and addition of R. C. late of, &c. taylor, to, &c. &c. &c. (naming the grand jury), good and lawful men of the ſaid county, then and there ſworn and charged to inquire for our ſaid lord the king for the body of the ſaid county, which ſaid bill was by the ſaid jurors above-named then and there returned to the ſaid court before the ſaid Sir William De Grey, &c. &c. thus indorſed, "A true bill;" which ſaid bill followed in theſe words: Lincolnſhire, to wit. The jurors of our lord the king, upon their oath preſent, that R. C. late of, &c. in, &c. taylor, being an ill-deſigning and diſorderly perſon, and of a wicked and malicious mind, after the firſt day of, &c. to wit, on, &c. in the tenth year of the reign, &c. with force and arms, at, &c. four geldings, of the goods and chattels of the ſaid R. B. T. B. and W. G. then and there being found, feloniouſly, wilfully, and maliciouſly then and there did kill and deſtroy, to the great damage of the ſaid R. B. &c. and againſt the form, &c. and againſt the peace, &c. his crown and dignity. (2d Count, four geldings of the price of twenty pounds, &c. by *poiſon* did kill. 3d Count, did mix together white arſenic, oats, and water, which ſaid white arſenic, oats, and water, ſo mixed together as aforeſaid, then and there feloniouſly, &c. did give to four geldings of the ſaid R. B. &c. to eat, he the ſaid R. C. well

Indictment on the Black Act, poiſoning horſes.

knowing the ſaid white arſenic to be a deadly poiſon; and that the ſaid four geldings did then and there eat the ſaid white arſenic, &c. ſo mixed together by the ſaid R. C. as aforeſaid; and by eating thereof as aforeſaid, the ſaid four geldings died: And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid R. C. on, &c. in the year, &c. the ſaid four geldings then and there feloniouſly, &c. did poiſon, kill, and deſtroy, to the great damage of the ſaid R. B. T. B. and W. G. againſt the form of the ſtatute, &c. and againſt the peace, &c. &c.) And the jurors aforeſaid, now here ſworn and charged, upon their oath do further preſent, that the ſaid W. W. &c. &c. according to the ſaid conſpiracy, combination, and agreement between them as aforeſaid, had, in further proſecution of the ſaid wicked devices and intentions of them the ſaid W. W. &c. &c. unlawfully, wilfully, falſely, and malicioufly, and without any reaſonable or probable cauſe whatſoever, proſecuted, and unlawfully, wilfully, falſely, and malicioufly, and without any reaſonable or probable cauſe whatſoever, cauſed to be proſecuted the ſaid indictment againſt the ſaid R. C. to wit, at, &c. until the ſaid R. C. afterwards, to wit, at the ſaid general ſeſſion of oyer and terminer, ſo holden for the ſaid county of L. at the caſtle of L. and during the continuance of the ſaid ſeſſion court, on, &c. in the ſaid twelfth year, &c. before the ſaid Sir William De Grey, &c. &c. and other their fellow juſtices as aforeſaid, was therein due manner, and according to due courſe of law, by a jury of the ſaid county, acquitted; by means of which ſaid falſe accuſation and proſecution againſt him the ſaid R. C. in manner and form aforeſaid, he the ſaid R. C. was and is greatly defamed and diſgraced, and put to great expence of his money, and underwent many great and arduous labours and troubles both of body and mind, to the great damage and diſgrace of the ſaid R. C. to the evil example, &c. and againſt the peace, &c. his crown and dignity.

J. MORGAN.

Indictment againſt journeymen leather-dreſſers, for conſpiring together not to work in any ſhop where any perſon was taken to learn the trade for a leſs term than ſeven years, and for becoming members of a club of leather-dreſſers, who had agreed not to work with any perſon who had not ſerved ſeven years to the trade.

SURRY, ſſ. The jurors for our ſovereign lord the king, upon their oath preſent, that A. B. late of, &c. in, &c. labourer, C. D. late of the ſame, labourer, and E. F. of the ſame place, labourer, being journeymen leather-dreſſers, and not content to work in any ſhop where any perſon was taken as a learner for any leſs term than ſeven years, without fraud or deceit, heretofore, to wit, on, &c. in the twenty-ſecond year of the reign, &c. at, &c. in, &c. did unlawfully conſpire, combine, confederate, and agree together, not to work in any ſuch ſhop as aforeſaid. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that in purſuance and proſecution of the ſaid conſpiracy, combination, confederacy, and agreement, between them the ſaid A. B. C. D. and E. F. ſo as aforeſaid had, they the ſaid A. B. &c. on, &c. in the twenty-ſecond year aforeſaid, at, &c. in, &c. did unlawfully become members of a certain ſociety then and there inſtituted under the name, ſtile, and title of "The Friendly United Leather Dreſſers of England," and did then and there unlawfully, unjuſtly, and corruptly, covenant, promiſe, conſpire, combine, confederate, and agree amongſt themſelves, that

that they would not, at any time or times thereafter, work in any shop where any person was taken as a learner, after the date of the institution of the aforesaid society, for any less term than seven years, without fraud and deceit, to the great prejudice of trade and encouragement of idleness, in contempt of our said lord the king and his laws, to the evil example, &c. and against, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. C. D. and E. F. being journeymen leather-dressers, and not content to work in any shop where any person was taken as a learner for any less term than seven years, without fraud or deceit, heretofore, to wit, on, &c. in the twenty-second year aforesaid, at, &c. in, &c. did unlawfully, unjustly, and corruptly covenant, promise, conspire, combine, confederate, and agree amongst themselves, that they would not, at any time or times thereafter, work in any shop where any person was taken as a learner for any less term than seven years, without fraud or deceit, to the great prejudice of trade, &c. in contempt, &c. &c. to the evil example, &c. and against the peace, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. C. D. and E. F. being journeymen leather-dressers, heretofore, to wit, on, &c. in the twenty-second year aforesaid, did become members of a certain society then and there instituted under the name, stile, and title of "The Friendly United Leather Dressers of England," and did then and there order and direct, that every member of that society should pay, or cause to be paid, into the hands of the steward thereof, the sum of one shilling every meeting night, and should likewise in every meeting night spend the sum of threepence halfpenny, but that such who were absent, or who should be paid for by another, should forfeit twopence; which forfeits should be laid by till quarterly night, to be then spent amongst the members present; but that such persons who were inferior, and which should be so proved to the satisfaction of the society, should pay but half the subscription to the stock of that society; and further, that the first Wednesday in January, April, July, and October, should be accounted quarterly or clearing nights, on which nights the books should be cleared of every demand more or less. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. C. D. and E. F. being journeymen leather-dressers, and contriving and intending, as much as in them lay, to deprive their masters of the benefit of the service of such of their journeymen, being members of the said society, as should neglect to clear the book of the said society of every demand, more or less, from them respectively due to the said society on such quarterly or clearing nights as aforesaid, heretofore, to wit, on, &c. in the twenty-second year aforesaid, at, &c. in, &c. did unlawfully, unjustly, and corruptly, covenant, combine, promise, conspire, confederate, and agree amongst themselves, that if any member of the said society should neglect to clear the books (that is to say, the books of the said society) of every demand, more or less (that is to say, of every demand, more or less, due from such member to the said society on such

2d Count, not stating the society.

3d Count, stating the regulations of the society, and that in case of default made not to work with defaulters.

such quarterly or clearing nights as aforesaid), they would not work by or with such defaulters after a reasonable time for finishing the work he might then have under hand, under the forfeiture of one guinea to their stock, payable at three shillings and sixpence *per* month, unless such defaulter should voluntarily, and of his own accord, promise and agree, before two witnesses members of that society, to make their society a present of one guinea, which he might either present at three shillings and sixpence *per* month, or the whole down, at his option, to the great prejudice of trade, &c. in contempt, &c. to the evil example, &c. and against, &c. &c.

3d Count, no person to be admitted of society but such as have served apprenticeship of seven years to a leather-dresser in the dry way, and possessed of a ticket as a clear member of the society; and not to work with such person.

And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. C. D. and E. F. being, &c. heretofore, to wit, on, &c. in, &c. at, &c. in, &c. did become members of a certain society then and there instituted under the name, &c. of, &c. and did then and there order and direct, that from and after the first quarterly meeting, which should be so held on Wednesday, the third of April 1782, no person should be admitted into that society but such as had served a regular apprenticeship of seven years, without fraud or deceit, to the trade or business of a leather-dresser in the dry way, which should be proved to the satisfaction of the society, such persons excepted who were really under contract, on, &c. all which should be admitted into that society when out of their contract, provided they should apply within three months from the expiration of such contract. And the jurors aforesaid, upon, &c. do, &c. that the said A. B. C. D. and E. F. so being, &c. contriving and intending, as much as in them lay, to deprive their masters of the benefit of the service of such of their journeymen as had not served a regular apprenticeship of seven years, without fraud or deceit, to the trade or business of a leather-dresser in the dry way, or were not in the exception before-mentioned, heretofore, to wit, on, &c. in, &c. at, &c. in, &c. did unlawfully, unjustly, and corruptly, covenant, &c. &c. &c. amongst themselves, that they would not any time or times after the third day of April 1782, work in any shop by or with any person working as a journeyman leather-dresser in the dry way who was not possessed of a ticket signifying that he was a clear member of their society, to the great prejudice, &c. in

4th Count, not to work with persons who were not possessed of ticket as clear member,

contempt, &c. to the evil example, &c. and against, &c. And the jurors aforesaid, upon, &c. do, &c. that the said A. B. C. D. and E. F. being, &c. heretofore, to wit, on, &c. in, &c. at, &c. in, &c. did become members of a certain society then and there instituted, &c. &c. And the jurors aforesaid, upon, &c. so being, &c. contriving and intending, as much as in them lay, to deprive their masters of the benefit of the service of such of their journeymen as were not possessed of tickets signifying that they were clear members of that society, heretofore, to wit, on, &c. in, &c. at, &c. in, &c. did unlawfully, unjustly, and corruptly, covenant, &c. amongst themselves, that they would not, at any time or times after the said third day of April 1782, work in any shop by or with any person working as a journeyman leather-dresser in the dry way who was not possessed of a ticket signifying that he was a clear member of

their

their ſociety, to the great prejudice, &c. in contempt, &c. to the evil example, &c. and againſt the peace, &c. &c.

Indictment againſt the journeymen taylors, for conſpiring together to raiſe their wages, and leſſen the time of their working, contrary to the order of the juſtices and the ſtatute, &c.

LONDON, to wit. The jurors for our ſovereign lord the king, upon their oath preſent, that at the general quarter ſeſſions of the peace of our lord the king, holden for the city of London, at the Guildhall, within the ſaid city (by adjournment), on Tueſday the day of , in the year of the reign of our ſovereign lord George the Second, late king of Great Britain, &c before H. B. eſquire, then mayor of the city of L. F. C. eſquire, J. P. eſquire, aldermen of the ſaid city, Sir W. M. knight, recorder of the ſaid city, and others their fellows, then juſtices of our ſaid late lord the king, within and for the ſaid city, and alſo to hear and determine divers other felonies, treſpaſſes, and other miſdeeds committed within the ſaid city, the ſaid juſtices then preſent (application being made to them for that purpoſe, according to the form of the ſtatute in that caſe made and provided) did order and appoint, that, &c. (recite the order); of which alterations notice was by the ſaid order directed to be given, by publication of that order in the newſpapers called, &c. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid order was publiſhed in the ſaid newſpapers called, &c. afterwards, to wit, on, &c. in year, &c. to wit, in the ſaid city of London and liberties thereof, to wit, in the pariſh of St. Mary-le-Bow, in the ward of Cheap. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that W. M. late of London, journeyman taylor, and J. W. late of London aforeſaid, journeyman taylor, on, &c. in the year of the reign of our ſovereign lord, &c. by the grace of God, &c. and on divers other days and times between that day and , at London aforeſaid, to wit, in the pariſh and ward aforeſaid, with force and arms, did falſely, wickedly, and wilfully, conſpire, confederate, and combine together, and to and with divers other journeymen taylors, and other perſons to the jurors aforeſaid unknown, for their private lucre and gain, to alter the rates aforeſaid, and advance, increaſe, and augment the wages of the journeymen taylors ſeeking their and each of their living as journeymen, in the ſaid art or myſtery of a taylor in the city of London aforeſaid, or within the liberties thereof, and to leſſen the hours of work appointed and eſtabliſhed by the ſaid juſtices, at the ſaid general quarter ſeſſions as aforeſaid, without application to be made to the juſtices of the peace at the general quarter ſeſſions, according to the ſaid act, and unjuſtly to exact great ſums of money for the labour and hire of ſuch journeymen in the ſaid art or myſtery; and in purſuance of the ſaid conſpiracy, confederacy, and combination, did unlawfully aſſemble and meet together, to wit, at London aforeſaid, in the pariſh, &c. and being ſo met and aſſembled together, did then and there unlawfully, unjuſtly, and corruptly agree, that not any perſon retained or employed as a journeyman in the ſaid art or myſtery of a taylor, in the ſaid city of London, or within the liberties, ſhould

work in the ſaid art or myſtery of a taylor for leſs wages than three ſhillings by the day, over and beſides three halfpence to be allowed by the maſter retaining and employing ſuch journeyman for his breakfaſt; and that no ſuch journeymen ſhould work in the ſaid art and myſtery for and during the time and hours of work in every day appointed by the ſaid juſtices of the peace at the ſaid general quarter ſeſſions of the peace as aforeſaid, but that the ſpace or time for work aforeſaid ſhould be diminiſhed by the ſpace of one hour every day; and that no ſuch journeymen ſhould work in the ſaid art or myſtery by the piece; and the more effectually to maintain and ſupport ſuch their unlawful conſpiracy, confederacy, and combination as aforeſaid, did then and there further agree, that in caſe any ſuch journeyman taylor ſhould thereafter work in or at the ſaid art or myſtery, at and for the wages or allowance, or for and during the time or hours of and for work in every day appointed by the ſaid juſtices at the general quarter ſeſſions aforeſaid, or ſhould work in or at the ſame art or myſtery by the piece, that then and in every ſuch caſe they ſhould and would perſuade and excite all and every the other journeymen employed by the maſter taylor, with whom ſuch journeyman or journeymen ſhould work as aforeſaid, purſuant and according to the ſaid order by the ſaid juſtices ſo made at their ſaid general quarter ſeſſions as aforeſaid, and contrary to the ſaid unlawful combination and agreement, immediately to quit the ſervice of ſuch maſter taylor, and would alſo endeavour that ſuch maſter taylor ſhould not have any journeymen taylors to work for or with him, until he ſhould have diſcharged from his ſervice ſuch journeyman or journeymen ſo employed as aforeſaid, contrary to their ſaid unlawful and corrupt agreement, to the great prejudice of trade, to the encouragement of idleneſs, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the now king, his crown and dignity.

2d Count, club formed to collect a fund called ſcheming money; and that whoever ſhould work without contributing, &c.

And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid W. M. and J. W. on, &c. and on divers other days and times between that day and , at, &c. with force and arms, did falſely, wickedly, and unlawfully, conſpire, confederate, and combine together, and to and with divers other journeymen taylors, and other perſons to the jurors aforeſaid at preſent unknown, for their private lucre and gain, to alter the rates aforeſaid, and to advance, increaſe, and augment the wages of the journeymen taylors ſeeking their and each of their livings as journeymen in the ſaid art or myſtery of a taylor within the city of London, and the liberties thereof, and to leſſen the hours of work appointed and eſtabliſhed by the ſaid juſtices, at the ſaid general quarter ſeſſions aforeſaid, without application being made to the juſtices of the peace, at their general quarter ſeſſions, according to the ſaid act, and unjuſtly to exact great ſums of money for the labour and hire of ſuch journeymen in the ſaid art or myſtery, and in purſuance of the conſpiracy, confederacy, and combination aforeſaid, did then and there unlawfully, unjuſtly, and corruptly agree, that no perſon retained or employed as a journeyman in the ſaid art or myſtery of a taylor in the

the ſaid city, or the liberties thereof, ſhould work in the ſaid art or myſtery for leſs wages than three ſhillings by the day, over and beſides three halfpence to be allowed by the maſter retaining and employing ſuch journeyman for his breakfaſt; and that no ſuch journeyman ſhould work in the ſaid art or myſtery for and during the time or hours for work in every day appointed by the juſtices of the peace at their general quarter ſeſſions aforeſaid, but that the time of work aforeſaid ſhould be diminiſhed by the ſpace of one hour in every day; and that no ſuch journeymen ſhould work in the ſaid art or myſtery by the piece; and that no journeyman taylor whatſoever ſhould work in the ſaid art or myſtery of a taylor with any maſter taylor within the ſaid city of L. and the liberties thereof, without firſt contributing and paying to the other journeymen taylors, at ſome or one of their clubs, aſſociations, or houſes of call, a certain ſum of money, to wit, the ſum of ſix ſhillings in the name of ſcheming money, for the carrying on their aforeſaid conſpiracies, confederacies, and combinations; and the more effectually to maintain and ſupport ſuch their ſaid conſpiracies, confederacies, and combinations as aforeſaid, did then and there further agree, that in caſe any ſuch journeyman taylor ſhould thereafter work in the ſaid art or myſtery for the wages, or for and during the time or hours in every day appointed by the ſaid juſtices at the general quarter ſeſſions aforeſaid, or ſhould work in the ſame art or myſtery by the piece, or who ſhould work in the ſame art or myſtery without having firſt contributed and paid to the other journeymen taylors, at ſome or one of their clubs, &c. the ſaid ſum of ſix ſhillings, in the name of, &c. then, and in every ſuch caſe, they would perſuade and excite all and every the other journeymen employed by the maſter taylor with whom ſuch journeyman ſhould work as aforeſaid, contrary to the ſaid unlawful agreement, immediately to quit the ſervice of ſuch maſter taylor, and would endeavour that ſuch maſter taylor ſhould not have any journeymen taylors to work for him until he ſhould have diſcharged from his ſervice the ſaid journeyman taylor or journeymen taylors ſo employed to work as aforeſaid, contrary to their ſaid unlawful agreement, to the great prejudice of trade, to the encouragement of idleneſs, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity, &c.

PLEAS before our lord the king at Weſtminſter, of Hilary term, in the twenty-eighth year of the reign of our ſovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and ſo forth, ROLL.

Among the Pleas of the King.

MIDDLESEX. Some time ago, that is to ſay, on Monday the tenth day of December, in the twenty-eighth year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. at

Record of indictment, &c.

at the general ſeſſion of oyer and terminer of our lord the king, holden in and for the county of Middleſex, at the ſeſſion-houſe for the ſaid county, before William Mainwaring, &c. eſquires, and others their fellows, juſtices of our ſaid lord the king, aſſigned by his majeſty's letters patent, under the great ſeal of Great Britain, directed to the ſame juſtices before named, and others in the ſaid letters named to enquire more fully the truth, by the oath of good and lawful men of the ſaid county of Middleſex, and by other ways, means, and methods, by which they ſhould or might better know (as well within liberties as without), by whom the truth of the matter might be better known, of all treaſons, &c. within the county aforeſaid (as well within liberties as without), by whomſoever, and in what manner ſoever done, committed, or perpetrated, and by whom, or to whom, when, how, and after what manner, and of all other articles and circumſtances concerning the premiſes, and every of them, or any of them, in any manner whatſoever, and the ſaid treaſons and other the premiſes to hear and determine, according to the laws and cuſtoms of England, by the oath of twelve jurors, good and lawful men of the county aforeſaid, then there ſworn, and charged to enquire for our ſaid lord the king for the body of the ſame county, it was preſented as followeth, that is to ſay: Middleſex, to wit. The jurors for our lord the king, upon their oath preſent, that John Rogers Morgan, late of the pariſh of Saint Martin in the Fields, in the county of Middleſex, labourer, Charles Eaſley, late of the ſame, labourer, Joſeph Lawrence, late of the ſame, labourer, and Richard Dale, late of the ſame, labourer (together with divers other perſons whoſe names to the jurors aforeſaid are as yet unknown), being perſons of ill name and fame, and of diſhoneſt converſation, and wickedly and maliciouſly minding, deviſing, contriving, and intending unlawfully to oppreſs, aggrieve, injure, and impoveriſh one Richard Meux, of the pariſh aforeſaid, in the county aforeſaid, common brewer, and as much as in them lay unlawfully to ruin him in his trade and buſineſs of a common brewer, which he then and there uſed and exerciſed, and to prevent and hinder him from uſing, exerciſing, and carrying on the ſaid trade and buſineſs in as full, ample, and beneficial a manner as he was uſed and accuſtomed to do, on the fifteenth day of April, in the twenty-ſixth year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. at the pariſh aforeſaid, in the county aforeſaid, and whilſt the ſaid Richard Meux ſo uſed, exerciſed, and carried on the ſaid trade and buſineſs of a common brewer as aforeſaid, they the ſaid John Rogers Morgan, Charles Eaſley, Joſeph Lawrence, and Richard Dale, unlawfully, wickedly, and maliciouſly did conſpire, combine, confederate, and agree together, unlawfully to ſeduce and perſuade, and to cauſe and procure divers perſons, liege ſubjects of our ſaid lord the king, then and long before being cuſtomers to and employers of the ſaid Richard Meux in his ſaid trade and buſineſs of a common brewer, and who had been accuſtomed to deal with and buy, and then were accuſtomed to deal with and buy of and from the

Indictment for a conſpiracy in combining to ſeduce cuſtomers and employers to withdraw their cuſtom from a common brewer.

the ſaid Richard Meux in the way of his ſaid trade and buſineſs, divers large quantities of beer and porter for large ſums of money, to abſtain and deſiſt from dealing with the ſaid Richard Meux, and no longer to deal with or buy any more beer or porter of and from the ſaid Richard Meux, and to ceaſe in any manner to employ or be cuſtomers to the ſaid Richard Meux in his ſaid trade and buſineſs. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Rogers Morgan, Charles Eaſley, Joſeph Lawrence, and Richard Dale, in purſuance of the aforeſaid unlawful conſpiracy, combination, confederacy, and agreement between them as aforeſaid, had afterwards, to wit, on the ſaid fifteenth day of April, in the twenty-ſixth year aforeſaid, and on divers other days and times between that day and the day of the taking of this inquiſition, at the pariſh aforeſaid, in the county aforeſaid, unlawfully, wickedly, and maliciouſly did ſeduce and perſuade, and cauſe and procure one Charles Buer, one Thomas Collins, one Charles Scott, one George Wood, and one Henry Fiſher, they the ſaid Charles Buer, Thomas Collins, Charles Scott, George Wood, and Henry Fiſher, then, to wit, on the ſaid fifteenth day of April, in the twenty-ſixth year aforeſaid, and on thoſe other days and times aforeſaid, being cuſtomers to and employers of the ſaid Richard Meux, in his ſaid trade and buſineſs of a common brewer, and which ſaid Charles Buer, Thomas Collins, Charles Scott, George Wood, and Henry Fiſher, had been ſeverally accuſtomed to deal with and buy, and then were ſeverally accuſtomed to deal with and buy of and from the ſaid Richard Meux in the way of his ſaid trade and buſineſs, divers large quantities of beer and porter for large ſums of money, to abſtain and deſiſt from dealing with the ſaid Richard Meux, and no longer to deal with or buy any more beer or porter of or from the ſaid Richard Meux, and to ceaſe in any manner to employ or be cuſtomers to the ſaid Richard Meux in his ſaid trade and buſineſs of a common brewer, and did thereby greatly impoveriſh the ſaid Richard Meux, and prevent and hinder him from uſing, exerciſing, and carrying on his ſaid trade and buſineſs in as full, ample, and beneficial a manner as he was uſed and accuſtomed to do, and otherwiſe would have done, to wit, at the pariſh aforeſaid, in the county aforeſaid, to the great damage, impoveriſhment, injury, and oppreſſion of the ſaid Richard Meux, in contempt of our ſaid lord the king and his laws, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Rogers Morgan, Charles Eaſley, Joſeph Lawrence, and Richard Dale, together with divers other perſons whoſe names to the jurors aforeſaid are as yet unknown, being perſons of ill name and fame, and of diſhoneſt converſation, and wickedly and maliciouſly minding, deviſing, contriving, and intending unlawfully to oppreſs, aggrieve, injure, and impoveriſh the ſaid Richard Meux, and as much as in them lay unlawfully to ruin him in his ſaid trade and buſineſs of a common brewer, and to prevent and hinder him from uſing, exer-

2d Count, for withdrawing cuſtomers who were wont to deal, ſetting out their names.

ciſing,

cifing, and carrying on the faid trade and bufinefs in as full, ample, and beneficial a manner as he was ufed and accuftomed to do, on the faid fifteenth day of April, in the twenty-fixth year aforefaid, at the parifh aforefaid, in the county aforefaid, and whilft the faid Richard Meux fo ufed, exercifed, and carried on the faid trade and bufinefs of a common brewer as aforefaid, they the faid John Rogers Morgan, Charles Eafley, Jofeph Lawrence, and Richard Dale, unlawfully, wickedly, and maliciouffly did confpire, combine, confederate, and agree together, unlawfully to feduce and perfuade, and to caufe and procure divers perfons, liege fubjects of our faid lord the king, then and long before being cuftomers to and employers of the faid Richard Meux in his faid trade and bufinefs of a common brewer, and who had been accuftomed to deal with and buy, and then were accuftomed to deal with and buy of and from the faid Richard Meux in the way of his faid trade and bufinefs, divers large quantities of beer and porter for large fums of money, to abftain and defift from dealing with the faid Richard Meux, and no longer to deal with or buy any more beer or porter of and from the faid Richard Meux, and to ceafe in any manner to employ or be cuftomers to the faid Richard Meux in his faid trade and bufinefs. And the jurors aforefaid, upon their oath aforefaid, do further prefent, that the faid John Rogers Morgan, Charles Eafley, Jofeph Lawrence, and Richard Dale, in purfuance of the aforefaid unlawful confpiracy, combination, confederacy, and agreement between them, fo had as laft aforefaid, afterwards, to wit, on the faid fifteenth day of April, in the twenty-fixth year aforefaid, and on divers other days and times between that day and the day of the taking of this inquifition, at the parifh aforefaid, in the county aforefaid, unlawfully, wickedly, and maliciouffly did endeavour to feduce and perfuade, and to caufe and procure the faid Charles Buer, &c. (a great number of perfons, naming them), they the faid Charles Buer, &c. then, to wit, on the faid fifteenth day of April, in the twenty-fixth year aforefaid, and on thofe other days and times laft-mentioned, being cuftomers to and employers of the faid Richard Meux in his faid trade and bufinefs of a common brewer, and which faid Charles Buer, &c. had been feverally accuftomed to deal with and buy, and then were feverally accuftomed to deal with and buy of and from the faid Richard Meux, in the way of his faid trade and bufinefs, divers large quantities of beer and porter for large fums of money, to abftain and defift from dealing with the faid Richard Meux, and no longer to deal with or buy any more beer or porter of or from the faid Richard Meux, and to ceafe in any manner to employ or be cuftomers to the faid Richard Meux in his faid trade and bufinefs of a common brewer, as they were feverally wont and had been accuftomed to do as aforefaid, to wit, at the parifh aforefaid, in the county aforefaid, to the great damage, impoverifhment, injury, and oppreffion of the faid Richard Meux, in contempt of our faid lord the king and his laws, to the evil and pernicious example of all others in the like cafe offending, and againft the peace of our

faid

3d Count, for perſuading cuſtomers, &c. and preventing proſecutor from carrying on, &c. in ſo beneficial a manner.

ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Rogers Morgan, Charles Eaſley, Joſeph Lawrence, and Richard Dale, together with divers other perſons whoſe names to the jurors aforeſaid are as yet unknown, being perſons of ill name and fame, and of diſhoneſt converſation, and wickedly and maliciouſly minding, deviſing, contriving, and intending unlawfully to oppreſs, aggrieve, injure, and impoveriſh the ſaid Richard Meux, and not only to ruin him in his good name, fame, credit, and reputation, but alſo, as much as in them lay, to prevent and hinder him from uſing, exerciſing, and carrying on his ſaid trade and buſineſs of a common brewer, on the ſaid fifteenth day of April, in the twenty-ſixth year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid; and whilſt the ſaid Richard Meux ſo uſed, exerciſed, and carried on the ſaid trade and buſineſs of a common brewer as aforeſaid, they the ſaid John Rogers Morgan, Charles Eaſley, Joſeph Lawrence, and Richard Dale, unlawfully, wickedly, and maliciouſly did conſpire, combine, confederate, and agree together, unlawfully to injure, oppreſs, and impoveriſh the ſaid Richard Meux, and alſo to prevent and hinder him from uſing, exerciſing, and carrying on his ſaid trade and buſineſs of a common brewer in as full, ample, and beneficial a manner as he was uſed and accuſtomed to do. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Rogers Morgan, Charles Eaſley, Joſeph Lawrence, and Richard Dale, in purſuance of the aforeſaid unlawful conſpiracy, combination, confederacy, and agreement between them ſo had as laſt aforeſaid, afterwards, to wit, on the ſaid fifteenth day of April, in the twenty-ſixth year aforeſaid, and on divers other days and times between that day and the day of taking this inquiſition, at the pariſh aforeſaid, in the county aforeſaid, unlawfully, wickedly, and maliciouſly did ſeduce and perſuade, and cauſe and procure divers perſons, liege ſubjects of our ſaid lord the king, then, to wit, on the ſaid fifteenth day of April, in the twenty-ſixth year aforeſaid, and on thoſe other days and times laſt aforeſaid, being cuſtomers to and employers of the ſaid Richard Meux in his ſaid trade and buſineſs of a common brewer, and who had been ſeverally accuſtomed to deal with and buy, and then were ſeverally accuſtomed to deal with and buy of and from the ſaid Richard Meux in the way of his ſaid trade and buſineſs, divers large quantities of beer and porter for large ſums of money, to abſtain and deſiſt from dealing with the ſaid Richard Meux, and no longer to deal with or buy any more beer or porter of or from the ſaid Richard Meux, and to ceaſe in any manner to employ or be cuſtomers to the ſaid Richard Meux in his ſaid trade and buſineſs of a common brewer, and did thereby greatly impoveriſh the ſaid Richard Meux, and prevent and hinder him from uſing, exerciſing, and carrying on his ſaid trade and buſineſs in as full, ample, and beneficial a manner as he was uſed and accuſtomed to do, and would otherwiſe have done, to wit, at the pariſh aforeſaid, in the county aforeſaid, to the great damage, impoveriſhment, injury, and oppreſſion of the ſaid Richard Meux, in contempt of our ſaid lord the king and his laws, to the

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evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, together with divers other persons whose names to the jurors aforesaid are as yet unknown, being persons of ill name and fame, and of dishonest conversation, and wickedly and maliciously minding, devising, contriving, and intending unlawfully to oppress, aggrieve, injure, and impoverish the said Richard Meux, and not only to ruin him in his good name, fame, credit, and reputation, but also, as much as in them lay, to prevent and hinder him from using, exercising, and carrying on his said trade and business of a common brewer, on the said fifteenth day of April, in the twenty-sixth year aforesaid, at the parish aforesaid, in the county aforesaid, and whilst the said Richard Meux so used, exercised, and carried on the said trade and business of a common brewer as aforesaid, they the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, unlawfully, wickedly, and maliciously did conspire, combine, confederate, and agree together, unlawfully to injure, oppress, and impoverish the said Richard Meux, and to prevent and hinder him from using, exercising, and carrying on his said trade and business of a common brewer in the same full, ample, and beneficial a manner as he was used and accustomed to do. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, in pursuance of the aforesaid unlawful conspiracy, combination, confederacy, and agreement between them, so had as last aforesaid, afterwards, to wit, on the said fifteenth day of April, in the twenty-sixth year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, unlawfully, wickedly, and maliciously did endeavour to seduce and persuade, and to cause and procure divers persons, liege subjects of our said lord the king, then, to wit, on the said fifteenth day of April, in the twenty-sixth year aforesaid, and on those other days and times last aforesaid, being customers to and employers of the said Richard Meux in his said trade and business of a common brewer, and who had been severally accustomed to deal with and buy, and then were severally accustomed to deal with and buy of and from the said Richard Meux in the way of his said trade and business, divers large quantities of beer and porter for large sums of money, to abstain and desist from dealing with the said Richard Meux, and no longer to deal with or buy any more beer or porter of or from the said Richard Meux, and to cease in any manner to employ or be customers to the said Richard Meux in his said trade and business of a brewer, as they were severally wont, and had been accustomed to do as aforesaid, to wit, at the parish aforesaid, in the county aforesaid, to the great damage, impoverishment, injury, and oppression of the said Richard Meux,

4th Count, for persuading customers generally to withdraw their custom.

in contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Rogers Morgan, Charles Eaſley, Joſeph Lawrence, and Richard Dale, together with divers other perſons to the jurors aforeſaid as yet unknown, being perſons of ill name and fame, and of diſhoneſt converſation, and wickedly and maliciouſly minding, deviſing, contriving, and intending unlawfully to oppreſs, aggrieve, injure, and impoveriſh the ſaid Richard Meux, and unlawfully to ruin him in his good name, fame, credit, and reputation, and as much as in them lay to prevent and hinder him from uſing, exerciſing, and carrying on his ſaid trade and buſineſs of a common brewer, on the ſaid fifteenth day of April, in the twenty-ſixth year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, and whilſt the ſaid Richard Meux ſo uſed, exerciſed, and carried on the ſaid trade and buſineſs of a common brewer as aforeſaid, they the ſaid John Rogers Morgan, Charles Eaſley, Joſeph Lawrence, and Richard Dale, unlawfully, wickedly, and maliciouſly did conſpire, combine, confederate, and agree together, unlawfully to oppreſs, aggrieve, injure, and impoveriſh the ſaid Richard Meux, and not only to ruin him in his good name, fame, credit, and reputation, but alſo, as much as in them lay, to prevent and hinder him from uſing, exerciſing, and carrying on the ſaid trade and buſineſs of a common brewer in as full, ample, and beneficial a manner as he was uſed and accuſtomed to do, to wit, at the pariſh aforeſaid, in the county aforeſaid, to the great damage, impoveriſhment, injury, and oppreſſion of the ſaid Richard Meux, in contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: which ſaid indictment our ſaid lord the king afterwards, for certain reaſons, cauſed to be brought before him, to be determined according to the law and cuſtom of England: wherefore the ſheriff of the ſaid county of Middleſex is commanded, that he do not forbear by reaſon of any liberty in his bailiwick, but that he cauſe them to come to anſwer to our ſaid lord the king touching and concerning the premiſes aforeſaid: And now, that is to ſay, on Wedneſday next after the octave of Saint Hilary, in this ſame term, before our ſaid lord the king at Weſtminſter, come the ſaid John Rogers Morgan, Charles Eaſley, Joſeph Lawrence, and Richard Dale, by Robert Belt their clerk in court; and having heard the ſaid indictment read, they ſeverally ſay, that they are not guilty thereof; and hereupon they ſeverally put themſelves upon the country; and James Templer, eſquire, coroner, and attorney of our ſaid lord the king in the court of our ſaid lord the king before the king himſelf, who for our ſaid lord the king in this behalf proſecuteth, doth the like.

5th Count, generally to prevent carrying on the trade in ſo beneficial manner, &c.

Removed by *certiorari*.

Venire.

Iſſue by the king's coroner.

MIDDLESEX,

Indictment for a conspiracy to take a house of 20l. *per annum* for a pauper in another parish, to settle him there.

MIDDLESEX, *ss.* The jurors for our sovereign lord the king, upon their oath present, that W. L. late of the parish of Saint Martin in the Fields, in the county of M. oilman, and Sarah S. late of the same place, spinster, being evil-disposed persons; and devising and intending to injure and aggrieve the inhabitants of the said parish, and unjustly to charge them with the maintenance, care, and support of one R. H. a poor person, Ann the wife of the said R. H. and James the infant child of the said R. and A. (they the said R. H. Ann H. and James H. being legally settled in the parish of Saint Mary M. in the city of London), they the said defendants, on the day of , in the seventeenth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. at the parish of Saint Martin in the Fields, in the said county of M. wrongfully, wickedly, and injuriously did *conspire*, combine, confederate, and agree, unjustly to charge the inhabitants of the said parish of Saint Martin in the Fields, in the said county of M. with the maintenance of the said paupers (being poor persons, and unable to maintain themselves), and unjustly to put the inhabitants of the said parish of Saint Martin in the Fields, to great expence for maintenance in relief of the said paupers (being such poor persons as aforesaid, and not having any legal settlement in the said parish of Saint Martin in the Fields, in the said county of M.) they the said defendants, according to the said confederacy, combination, conspiracy, and agreement aforesaid, afterwards, to wit, on the said day and year aforesaid, at the parish last aforesaid, in the county of M. aforesaid, well knowing the said (paupers) to be such poor persons, and unable to maintain themselves as aforesaid, and to be legally in the parish of Saint Mary M. in L. aforesaid, and to be relievable by the said parish of Saint Mary M. aforesaid, *unlawfully and unjustly did agree to take an house*, of the yearly value of twenty pounds, for the said R. H. situate in Church Lane, in the parish of Saint Martin in the Fields, in the said county of M. with intent that they the said (paupers) should fraudulently and colourably gain a settlement in the said parish of Saint Martin in the Fields; and the said defendants in further pursuance of, and according to the confederacy, combination, and agreement between them as aforesaid, she the said Sarah S. did agree to see the rent of such house to be taken in the said parish of Saint Martin in the Fields paid, and they the said W. L. should give the said R. H. a good character, and should inform, and did afterwards inform the landlord of such house, that he the said W. L. knew the said R. H. and Ann H. and that they were true, honest, industrious people, and that such landlord need not be in any fear of his rent. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said (paupers) afterwards, to wit, on the said day and year aforesaid, at the parish of Saint Martin in the Fields, in the county aforesaid, unlawfully and unjustly did procure the said R. H. (so being such poor person as aforesaid, and so being settled in and

chargeable to the parish of Saint Mary M.) to take rent, inhabit, and dwell in the aforesaid house, situate in Church-lane, in the parish of Saint Martin in the Fields aforesaid, with intent that they the said (paupers) should then and there unlawfully, fraudulently, and injuriously gain a settlement in the said parish of Saint Martin in the Fields, *by means whereof the said inhabitants of the said parish of Saint Martin in the Fields were obliged to expend and lay out, and did necessarily expend and lay out the sum of pounds in relieving and maintaining the said (paupers)*, to the great damage of the inhabitants of the said parish of Saint Martin in the Fields in the county aforesaid, to the evil example of all others in the like case offending, and against the peace of our sovereign lord the king, his crown and dignity.

Vide third volume of Burn's Justice, title, Poor—Settlement by Marriage—and 8. Mod. 321. This indictment lies for the conspiracy, without any other act done: Rex *v.* Kimberky and Mary North. 1. Lev. 62. 9. Co. 56. b.

In the King's Bench.

Indictment for a conspiracy by several workmen in the art of a smith, to lessen the time of working, (viz. one hour in the day), and to compel their masters to pay for the usual day's work.

MIDDLESEX, *ss.* The jurors for our lord the now king, upon their oath present, that Thomas Lyons, late of the parish of Saint Clement Danes, in the county of Middlesex, labourer; Thomas Blackman, late of the same place, &c.; John Much, late of the same place, labourer; William Newton, late of the same place, &c.; and Peter Carthey, late of the same place, labourer; being artificers, workmen and labourers in the art or occupation of a smith, and employed as such artificers, workmen and labourers in the said art and occupation of a smith, and not being content to work and labour in that art and occupation by the usual number of hours in each day, and at the usual rates and wages for which they and other artificers, workmen and labourers in the said art or occupation were used, and had been accustomed to work and labour, but devising and intending to lessen and diminish one hour in each day's work, and to compel their respective masters and employers for the time being to pay them the said Thomas Lyons, T. B. J. M. W. N. and P. C. the same price for each day's work so diminished by one hour, as if they had worked the usual number of hours in each day, and thereby to enhance the price of the wages of themselves and other artificers, workmen and labourers in the same art or occupation, on the twenty-eighth day of July, in the twenty-seventh year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, did unlawfully conspire, combine, confederate, and agree together, to take, lessen and diminish one hour in each day, from the usual number of hours which they and other artificers, workmen and labourers in the aforesaid art and occupation were used, and had been accustomed to work and labour, and to compel their respective masters and employers for the time being, in the said art and occupation, to

pay them the ſaid T. L. T. B. J. M. W. N. and P. C. the ſame price for each day's work ſo diminiſhed by one hour as if they had worked the uſual number of hours in each day, and thereby to enhance and augment the price of the wages of themſelves and other artificers, workmen and labourers in the ſame art and occupation; and that in purſuance of the ſaid unlawful conſpiracy, combination, confederacy, and agreement between them the ſaid T. L. T. B. J. M. W. N. and P. C. ſo as aforeſaid, they the ſaid T. L. &c. then and there unlawfully and corruptly did conſpire, combine, confederate and agree together, that they and each and every of them would not work and labour for any maſter or maſters in the aforeſaid art and occupation, but at the rate of one hour leſs in each reſpective day than the uſual number of hours which they and other artificers, workmen and labourers in the ſame art and occupation had been before accuſtomed to work and labour; and that they the ſaid T. L. &c. and each and every of them would compel their reſpective maſters and employers for the time being to pay to them the ſame price for each reſpective day's work as if they had worked the uſual number of hours in each day, and thereby enhance and augment the price of the wages of themſelves and other artificers, workmen and labourers in the ſaid art and occupation, to the great damage and oppreſſion of divers of the liege ſubjects of our ſaid lord the king, carrying on, managing, and tranſacting the ſame art and occupation of a ſmith, in contempt of our ſaid lord the king and his laws, to the evil example of others, and againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid T. L. &c. &c. being artificers, workmen and labourers in the art and occupation of a ſmith, and employed as ſuch artificers, workmen and labourers in the ſaid art and occupation of a ſmith, and not being content to work and labour in that art and occupation by the uſual number of hours in each day (being thirteen hours in each day), which they and other artificers, workmen and labourers in the ſaid art and occupation were uſed, and had been accuſtomed to work and labour; but deviſing, deſigning, and intending to leſſen the uſual time of work in the ſame art and occupation one hour in each day, and to compel the maſters and employers of them the ſaid T. L. &c. reſpectively for the time being, to pay them the ſaid T. L. &c. the ſame price as if they had worked the uſual number of thirteen hours in each day, and thereby augment the price of the wages of themſelves and other artificers, workmen and labourers in the ſame art and occupation, on the ſaid twenty-eighth day of July, in the twenty-ſeventh year aforeſaid, with force and arms at the pariſh aforeſaid, in the county aforeſaid, unlawfully did conſpire, combine, confederate, and agree together to leſſen the uſual time of work in the aforeſaid art and occupation one hour in each day, and to compel the reſpective maſters and employers of them the ſaid T. L. &c. in the ſame art and occupation for the time being, to pay them the ſaid T. L. &c. the ſame price as if they had worked

2d Count, to work only twelve inſtead of thirteen hours per day.

worked and laboured the usual number of hours, being thirteen hours in each day, and thereby to augment the wages of themselves and other artificers, workmen and labourers in the same art and occupation: and that, in pursuance of the said unlawful conspiracy, combination, confederacy, and agreement between them the said T. L. &c. so as last aforesaid, they the said T. L. &c. then and there unlawfully, and unjustly, and corruptly did conspire, combine, confederate, and agree together, that they, and each and every of them would not, nor would any or either of them work and labour any longer for any master or masters in the aforesaid art and occupation, any more than twelve hours in each respective day, the same being one hour less in each respective day than what they the said T. L. &c. and other artificers, workmen and labourers in the same art and occupation had been before used and accustomed to work and labour; and that they the said T. L. &c. &c. and each and every of them, would compel their respective masters and employers in the same art and occupation for the time being, from that time to pay them, and each of them, the same price for each respective day's work as if they had worked the usual number of thirteen hours in each respective day, to the great damage and oppression of divers liege subjects of our said lord the king, carrying on, managing, and transacting the same art and occupation, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said T. L. &c. being artificers, workmen and labourers in the said art and occupation of a smith, and not being content to work and labour in that art and occupation by the usual number of hours in each day, which they and other artificers, workmen and labourers in the said art and occupation were used and had been accustomed to work and labour; but devising, and intending to lessen and diminish one hour in each day's work, on the said twenty-eighth day of July, in the twenty-seventh year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully did conspire, combine, confederate and agree together, to take, lessen, and diminish one hour in each day from the usual number of hours which they and other artificers, workmen and labourers in the aforesaid art and occupation were used and had been accustomed to work and labour; and that, in pursuance of the said unlawful conspiracy, combination, confederacy, and agreement between them the said T. L. &c. &c. so as last aforesaid had, they the said T. L. &c. &c. then and there unlawfully, unjustly, and corruptly did conspire, combine, confederate, and agree together, that they and each and every of them would not work and labour any longer in the aforesaid art and occupation, but at the rate of one hour less in each respective day than the usual number of hours, which they and other artificers, workmen and labourers in the same art and occupation, had been before used and accustomed to work and labour, to the great damage and oppression of divers of the liege subjects of our said lord the king, carrying on, managing,

3d Count, not to work the usual number of hours.

and transacting the same art and occupation, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity.

4th Count, like the last. to the great damage of divers masters, &c.

And the jurors aforesaid, upon their oath aforesaid, do further present, that the said T. L. &c. &c. being artificers, workmen and labourers in the art and occupation of a smith, and not being content to work and labour in that art and occupation by the usual number of hours in each day, which they and other artificers, workmen and labourers in the said art and occupation, were used and had been accustomed to work and labour; but devising, designing, and intending to lessen the usual time of work in each day in the same art and occupation, on the said twenty-eighth day of July, in the twenty-seventh year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully did conspire, combine, confederate, and agree together to lessen the usual time of work in the aforesaid art and occupation in each day, to the great damage and oppression of divers masters in, &c. and other the liege subjects of our said lord the king, carrying on, managing, and transacting the same art and occupation, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity.

Presentment at the assizes at Croydon by the grand jury of Lord William Murray and others, for a conspiracy to effect their escape out of the king's bench prison, where they were confined for debt.

SURRY, to wit. Be it remembered, that at the general session of oyer and terminer of our lord the king, holden at Croydon, in and for the county of Surry, on Monday the twenty-second day of July, in the thirty-third year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. before the Honourable Sir Henry Gould, knight, one of the justices of our said lord the king of his court of common pleas, the Honourable Sir Francis Buller, baronet, one of the justices of our said lord the king, assigned to hold pleas before the king himself, and others their fellow-justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to the said Sir Henry Gould, knight, Sir Francis Buller, and others their fellow-justices of our said lord the king, and to any two or more of them directed, of whom one of them the said Sir H. Gould and Sir F. Buller, amongst others in the said letters patent named, our said lord the king willed to be one, to enquire more fully the truth by the oath of good and lawful men of the said county, and by other ways, means, and methods by which they should or might the better know, as well within liberties as without, by whom the truth of the matter may be the better known and enquired into, of all treasons, misprision of treason, insurrections, rebellions, counterfeiting, clippings, washing, false coinings, and all other falsities of the money of Great Britain, and other kingdoms and dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses,

riots

riots, routs, retentions, eſcapes, contempts, falſities, negligences, concealments, maintenances, oppreſſions, champerties, deceits, and all other evil doings, offences, and injuries whatſoever; and alſo the acceſſaries of them, within the county aforeſaid, as well within liberties as without, by whomſoever, and in what manner ſoever done, committed or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumſtances concerning the premiſes, and every of them, or any of them, in any manner whatſoever; and the ſaid treaſons and other the premiſes according to the laws and cuſtoms of England, for this time, to hear and determine by the oath of twelve jurors, good and lawful men of the county aforeſaid, now here ſworn and charged to enquire for our ſaid lord the king for the body of the ſaid county: It is preſented in manner and form as followeth, that is to ſay, Surry, to wit, The jurors for our ſaid lord the king, upon their oath preſent, that William Murray, late of the pariſh of Saint George the Martyr, in the ſaid county of Surry, eſquire, commonly called Lord William Murray; James Jackſon, late of the ſame place, Surgeon; Robert Thomas Crosfield, late of the ſame place, ſurgeon; and William Stabler, of the ſame place, gentleman; at the time hereinafter next mentioned, were perſons lawfully confined in the king's bench priſon, ſituate and being in the pariſh aforeſaid, in the county of Surry aforeſaid, being then and there the priſon of the Marſhalſea of our ſaid lord the king, before the king himſelf, and then and there detained in the cuſtody of the marſhal of the ſaid priſon, that is to ſay, the ſaid W. Murray being then and there lawfully detained in the cuſtody of the ſaid marſhal of the ſaid priſon for divers large ſums of money, amounting in the whole to a certain large ſum of money, to wit, the ſum of two thouſand pounds of lawful money, by virtue of divers proceſſes in divers actions before thoſe times or any of them commenced againſt the ſaid William Murray and the ſaid James Jackſon, being then and there lawfully detained in the cuſtody of the ſaid marſhal of the ſaid priſon, for divers large ſums of money, to wit, the ſum of three hundred pounds of lawful money of Great Britain, by virtue of divers proceſſes in divers actions before thoſe times or any of them commenced againſt him the ſaid James Jackſon, and the ſaid R. T. Crosfield, being then and there lawfully detained in the cuſtody of the ſaid marſhal of the ſaid priſon, for divers large ſums of money, amounting in the whole to a certain large ſum of money, to wit, two hundred pounds of lawful money of Great Britain, by virtue of divers proceſſes in divers actions before thoſe times or any of them commenced, againſt him the ſaid R. T. Crosfield and the ſaid William Stabler, being then and there detained in the cuſtody of the ſaid marſhal of the ſaid priſon for divers large ſums of money, amounting in the whole to a certain large ſum of money, to wit, the ſum of two thouſand pounds of lawful money of Great Britain, by virtue of divers actions before thoſe times or any of them commenced againſt him the ſaid William Stabler; and the ſaid defendants being perſons of

The indictment.

dangerous and wicked dispositions, and wickedly and unlawfully minding, contriving, and intending as much as in them lay to effect the escape of themselves the said defendants, then and there prisoners lawfully confined in the said prison, and in the custody of the said marshal of the said prison, from and out of the said prison, on the third day of July, in the twenty-third year of the reign of our lord the now king, with force and arms, at the parish aforesaid, in the said county of Surry, did combine, conspire, confederate, assemble, and agree amongst themselves unlawfully to effect the escape of themselves the said defendants, and the said other prisoners then so confined, and in the custody of the marshal of the said prison from and out of the said prison, to wit, at the parish aforesaid, in the county aforesaid, in contempt of our said lord the king and his laws, to the evil example of all others in like case offending, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, further say, that the said defendants before and at the time herein next mentioned, were such prisoners lawfully confined in the said prison, and detained in the custody of the marshal of the said prison as last aforesaid; and that they the said defendants being persons of dangerous and wicked dispositions, and wickedly minding, contriving and intending to effect the escape of themselves the said defendants then and there prisoners lawfully confined in the said prison, and in the custody of the said marshal of the said prison, from and out of the said prison, afterwards, to wit, on the same day and year last aforesaid, with force and arms, at the parish aforesaid, in the said county of Surry, did unlawfully combine, conspire, confederate, and agree amongst themselves to escape from and out of the said prison, to wit, at the parish aforesaid, in the county aforesaid, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our lord the king, his crown and dignity.

2d Count, to effect their own escape only.

Warrant by the chief justice of England to apprehend persons charged with a conspiracy to blow up the walls of king's bench prison, and effect their escape.

ENGLAND, to wit. Whereas it is certified to me by one of the clerks in the crown office, that by virtue of his majesty's writ of *certiorari*, an indictment was returned in his said majesty's court of king's bench, at Westminster, as of Trinity term last, against the reverend Richard Burgh, late of the parish of Saint George the Martyr, in the county of Surry, clerk; James Davies, late of the same place, gentleman; John Cummings, late of the same place, esquire; Thomas Townley Macan, late of the same place, esquire; and John Brown, late of the same place, gentleman; for certain trespasses, contempts, conspiracies, and misdemeanors; for that they being persons lawfully confined in the king's bench prison, and detained in the custody of the marshal of the said prison for divers large sums of money, unlawfully did conspire, combine, confederate, and agree amongst themselves to break down, demolish, prostrate, and destroy part of the wall belonging to and inclosing the said prison, and thereby to effect the escape

escape of themselves, and divers other persons then lawfully confined in the said prison, in the custody of the marshal of the said prison, from and out of the said prison; and, in pursuance of such conspiracy, unlawfully bringing and introducing a certain wooden box, and large quantities of gunpowder, with intent to have placed part of the same in a certain sewer under the said wall, and the other part thereof in the lobby or entrance of the said prison, with intent to set fire to the said gunpowder, and thereby blow up and destroy the said part of the said wall of the said prison, and the walls and doors of the said lobby, and by that means to effect their escape from the said prison; to which said indictment the said Richard Burgh, James Davies, John Cumming, Thomas T. Macan, and John Brown, have not, nor hath either of them appeared. These are therefore to will and require, and in his majesty's name strictly to charge and command you, and every of you, on sight hereof, to apprehend and take the bodies of the said Rich. Burgh, James D. J. C. T. T. M. and J. B. and bring them before me, or one other of the judges of his majesty's court of king's bench, if taken in or near the cities of London or Westminster; if elsewhere, before some justice of the peace near to the place where they shall be herewith taken, to the end that they may severally become bound with sufficient securities for their respective appearance in his majesty's court of king's bench at Westminster, and to plead within the first eight days of next term to the said indictment, and to try the same at the next assizes to be held after the same term in and for the county of Surry, and personally to appear in the same court on the return of the *postea*, in case they should be convicted, and to be further dealt with according to law. Hereof fail not, at your peril. Given under my hand and seal, the fourteenth day of July 1792.

KENYON.

To William Jones, esquire, marshal of the Marshallea;
To George Wilkinson, gentleman, my tipstaff;
And to all chief and petty constables, head-boroughs, and tything-men; and to all others whom these may concern.

I do hereby certify the above to be a true copy of the original warrant filed with me the 14th day of July 1792.

W. BRYANT,
Clerk of the papers of the king's bench prison.—18th July 1793.

Indictment against the labouring curriers for conspiring to raise their wages.

MIDDLESEX, to wit. The jurors, &c. that A. B. &c. late of, &c. C. D. late of, &c. E. F. late of, &c. being artificers, workmen, and labourers in the art and occupation of a currier, and not being content to work and labour in that art and occupation at the usual prices and rates for which they and other artificers, workmen, and labourers in the same art and occupation were used and accustomed to work and labour, but contriving and intending unjustly and oppressively to increase and augment the prices and rates usually paid and allowed to them and other artificers, workmen, and labourers in the said art and occupation, and unjustly to exact and procure great sums of money for their work andlabour in the said art and occupation, &c. with force and arms at, &c. unlawfully did combine, conspire, confederate, and agree together that they the said A. B. &c. or any of them would not, nor should work and labour in the said art and occupation, but at certain large prices and rates, which they the said A. B. &c. then and there fixed and insisted on, being paid for their future work and labour in the said art and occupation, for and upon, and in respect of certain particular sorts of work and labour in the said art and occupation, that is to say, for currying all calf-skins under twenty-eight pounds weight per dozen, three shillings and six pence, and four shillings black, &c. &c. which said several rates and prices, which were so as aforesaid fixed and insisted on by the said A. B. &c. were at the time of their being so fixed and insisted on by them the said A. B. &c. more than the several and respective prices and rates which had been and which were then used and accustomed to be paid and allowed to them the said A. B. &c. and other artificers, workmen, and labourers employed in the said art and occupation of a currier, for and upon, and in respect of the said particular and respective sorts of work and labour, for and upon, and in respect of which the same were so respectively fixed and insisted upon by the said A. B. &c. as aforesaid; to the great damage, hurt, injury, and prejudice of the liege subjects of our said lord the king carrying on, managing, and transacting the same art and occupation of a currier, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. &c. being artificers, workmen, and labourers in the said art and occupation of a currier, and not being content to work and labour in that art and occupation at the usual prices and rates for which they and other artificers, workmen, and labourers in the same art and occupation were used and accustomed to work and labour; but contriving and intending unjustly and oppressively to increase and augment the prices and rates usually paid and allowed to them and other artificers, workmen, and labourers in the said art and occupation, and unjustly to exact and procure great sums of money for their work and labour, on the said tenth day of August, in the thirty-second year aforesaid, with force and arms, at the parish of Saint Ann, within the liberty of Westminster, in the county

2d Count, for persuading not to work but at a much larger price which they fixed and insisted upon.

county of Middlesex aforesaid, unlawfully did combine, conspire, confederate and agree together, that the said A. B. &c. or any of them would not, nor should, and also that they the said A. B. &c. and each and every of them should and would endeavour to persuade other artificers, workmen, and labourers in the said art and occupation to refuse to work and labour in the said art and occupation, but at certain large prices and rates which they the said A. B. &c. then and there fixed and insisted on being paid for their future work and labour in the said art and occupation, for and upon and in respect of certain particular sorts of work and labour, in the said art and occupation, that is to say, for, &c. (here insert the prices again); which said several rates and prices, which were so as last aforesaid fixed and insisted on by the said A. B. &c. were at the time of their being so fixed and insisted on by them the said A. B. &c. more than the several and respective prices and rates which had been, and which were used and accustomed to be paid and allowed to them the said A. B. &c. and other artificers, workmen, and labourers employed in the said art and occupation of a currier, for and upon and in respect of the said several and respective sorts of work and labour for, upon, and in respect of which the same were so respectively fixed and insisted upon by the said A. B. &c. as last aforesaid, to the great damage, hurt, injury, and prejudice of the liege subjects of our said lord the king carrying on, managing, and transacting the same art and occupation of a currier, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. &c. being artificers, workmen, and labourers in the said art and occupation of a currier, and not being content to work and labour in that art and occupation at the usual prices and rates for which they and other artificers, workmen, and labourers in the same art and occupation, were used and accustomed to work and labour; but contriving, and intending unjustly and oppressively to increase, and augment the prices and rates usually paid and allowed to them and other artificers, workmen, and labourers in the said art and occupation, and unjustly to exact and procure great sums of money for their work and labour in the said art and occupation, they the said A. B. &c. together with divers other artificers, workmen, and labourers in the said art and occupation, whose names are to the jurors aforesaid unknown, on the said tenth day of August, in the thirty-second year aforesaid, with force and arms, at the said parish of Saint Ann, within the liberty of Westminster, in the county of Middlesex aforesaid, unlawfully did combine, conspire, confederate, and agree together, that they the said A. B. &c. and the aforesaid other conspirators so to the jurors aforesaid unknown, then and there fixed and insisted on being paid for their future work and labour in the said art and occupation, for and upon, and in respect of certain particular sorts of work and labour in the said art and occupation, that is to say (here set forth the prices again); which

3d Count, not working at the usual rates, but, &c.

which ſaid ſeveral rates and prices which were ſo as laſt aforeſaid fixed and inſiſted on, were at the time of their being ſo fixed and inſiſted on more than the ſeveral and reſpective rates and prices which had been, and which were then uſed and accuſtomed to be paid and allowed to artificers, workmen, and labourers employed in the ſaid art and occupation, for and upon, and in reſpect of the ſaid ſeveral and reſpective ſorts of work and labour, for and upon, and in reſpect of which, the ſame were ſo reſpectively fixed and inſiſted upon, as laſt aforeſaid. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid A. B. &c. and the ſaid other conſpirators whoſe names are ſo as aforeſaid unknown, having ſo as aforeſaid entered into ſuch combination and conſpiracy as laſt aforeſaid, they the ſaid A. B. &c. on the ſaid tenth day of Auguſt, in the thirty-ſecond year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, did unlawfully combine, conſpire, confederate and agree together, that they the ſaid A. B. &c. would by means of ſubſcriptions and contributions from other artificers, workmen, and labourers in the ſaid art and occupation of a currier, raiſe money for the relief and ſupport of them the ſaid A. B. &c. and the ſaid other conſpirators, whoſe names are ſo as aforeſaid unknown, and their reſpective families, who ſhould ſo refuſe to work, but at ſuch large and advanced rates and prices as laſt aforeſaid, whilſt they ſhould reſpectively be out of work or unemployed in the ſaid art and occupation of a currier: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid A. B. &c. having ſo entered into ſuch combination and conſpiracy as laſt aforeſaid, they the ſaid A. B. &c. in order to render ſuch laſt combination and conſpiracy the more effectual, and to attain the aforeſaid object thereof, on the ſaid tenth day of Auguſt, in the thirty-ſecond year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, did publiſh, and cauſe and procure to be publiſhed a certain paper writing, whereby certain artificers, workmen, and labourers in the ſaid art and occupation of a currier were ſolicited and requeſted to ſubſcribe and contribute money for the relief and ſupport of the ſaid A. B. &c. and the ſaid other conſpirators, whoſe names are ſo as aforeſaid unknown, and who ſhould reſpectively refuſe to work but at ſuch large and advanced prices as laſt aforeſaid, and their reſpective families whilſt they ſhould reſpectively be out of work and unemployed in the ſaid art and occupation of a currier, to the great damage, injury, and prejudice of the liege ſubjects of our ſaid lord the king carrying on, managing, and tranſacting the ſame art and occupation of a currier; in contempt of our ſaid lord the king and his laws, to the evil example of others, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that on the ſaid tenth day of Auguſt, in the thirty-ſecond year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, a certain other unlawful combination and conſpiracy had been and was formed and entered into by and between certain artificers,

4th Count, entering into ſubſcriptions for the ſupport of thoſe (and their families) who did refuſe to work.

5th Count, for refuſing to work except at certain fixed larger prices and rates and entering into ſubſcriptions, &c.

artificers, workmen, and labourers in the ſaid art and occupation of a currier, whoſe names are to the jurors aforeſaid unknown, whereby the ſaid laſt-mentioned conſpirators did unlawfully combine, conſpire, confederate, and agree together, that they or any of them would not, nor ſhould work and labour in the ſaid art and occupation but at certain large prices and rates, for and in reſpect of certain particular ſorts of work and labour in the ſaid art and occupation (that is to ſay), for, &c. (here ſet forth the prices again), which ſaid ſeveral laſt-mentioned rates and prices were then and there more than the ſeveral and reſpective rates and prices which had been, and which were then uſed and accuſtomed to be paid and allowed to artificers, workmen, and labourers employed in the ſaid art and occupation, for and in reſpect of ſuch ſeveral and reſpective ſorts of work and labour as laſt aforeſaid: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that ſuch combination and conſpiracy as laſt aforeſaid having been ſo entered into as aforeſaid, and the ſaid A. B. &c. being artificers, workmen, and labourers in the ſaid art and occupation of a currier aforeſaid, contriving and intending to encourage and promote the ſaid laſt-mentioned combination and conſpiracy, and to increaſe and extend the ſame, they the ſaid A. B. &c. in order to encourage and promote the ſaid laſt mentioned combination and conſpiracy, and to encreaſe and extend the ſame, on the ſaid tenth day of Auguſt, in the thirty-ſecond year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, did unlawfully combine, conſpire, confederate, and agree together, that they the ſaid A. B. &c. would by means of ſubſcriptions and contributions from artificers, workmen, and labourers in the ſaid art and occupation of a currier raiſe money for the relief and ſupport of ſuch artificers, workmen, and labourers in the ſaid art and occupation and their reſpective families, as ſhould refuſe to work and labour in the ſaid art and occupation but at ſuch large and advanced rates and prices as laſt aforeſaid, whilſt they ſhould reſpectively be out of work or unemployed in the ſaid art and occupation, to the great damage, injury, and prejudice of the liege ſubjects of our ſaid lord the king carrying on, managing, and tranſacting the ſame art and occupation of a currier, in contempt of our ſaid lord the king and his laws, to the evil example of all others, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid A. B. &c. being artificers, workmen, and labourers in the ſaid art and occupation of a currier, and not being content to work and labour in that art and occupation at the uſual prices and rates for which they and other artificers, workmen, and labourers were uſed and accuſtomed to work and labour, but contriving, and intending unjuſtly and oppreſſively to increaſe and augment the prices and rates uſually paid and allowed to them and other artificers, workmen, and labourers in the ſaid art and occupation, and unjuſtly to exact and procure great ſums of money for their work

6th Count, for not working at uſual rates, but exacting, &c.

and

and labour in the ſaid art and occupation, on the ſaid tenth day of Auguſt, in the thirty-ſecond year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully did combine, conſpire, confederate and agree together, that they the ſaid A. B. &c. and each of them would not work and labour in the ſaid art and occupation at the uſual and accuſtomed prices and rates which were then and there paid and allowed to them and ſuch other artificers, workmen, and labourers in the ſaid art and occupation for their work and labour, but at greater prices and rates than were then uſually paid and allowed to them and ſuch other artificers, workmen, and labourers in the ſaid art and occupation for their work and labour; to the great damage, injury, and prejudice of the liege ſubjects of our ſaid lord the king carrying on, managing, and tranſacting the ſame art and occupation of a currier, in contempt of our ſaid lord the king and his laws, to the evil example of all others, and againſt the peace of our ſaid lord the king, his crown and dignity.

Record of an indictment at the quarter ſeſſions for a conſpiracy to bring a pauper to lodge in the pariſh as an inmate, who was with child, not having any ſettlement there, whereby ſhe became chargeable.

SOME time ago, that is to ſay, on Tueſday in the week next after the cloſe of Eaſter, to wit, on the twelfth day of April, in the third year of the reign of our ſovereign lord George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. at the general quarter ſeſſions of the peace of our lord the king, holden at Maidſtone, in and for the county of Kent, before Charles W. &c. &c. (naming them), Sir T. R. knight, J. C. J. T. doctors in divinity, P. C. clerk, and others their aſſociates, juſtices of our ſaid lord the king aſſigned to keep the peace of our ſaid lord the king in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſame county perpetrated, upon the oath of twelve jurors good and lawful men of the ſaid county, then and there impanelled, ſworn, and charged to enquire for our ſaid lord the king, for the body of the ſaid county; it was *preſented* as followeth, that is to ſay, Kent. The jurors for our lord the king, upon their oath preſent, that John Rattling, late of the pariſh of Hunton, in the county of Kent, gentleman, and Edward Kirton the younger, late of the pariſh of Yalding, in the ſame county, huſbandman, deviſing and intending the inhabitants of the ſaid pariſh of Y. with the maintenance of one Sarah Whitney, and of a certain baſtard child, with which the ſaid Sarah was then pregnant, unjuſtly to charge and burthen, on the twentieth day of Auguſt, in the firſt year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. at the pariſh of H. aforeſaid, in the county aforeſaid, did conſpire, combine, and agree together, that he the ſaid Edward Kirton, on the ſame day and year, at the pariſh of Y. aforeſaid, in the county aforeſaid, in the dwelling-houſe of the ſaid Edward Kirton there ſituate, unlawfully ſhould receive and lodge as an inmate the ſaid Sarah Whitney, ſo being pregnant with a baſtard child as aforeſaid, and

and alſo being poor and unable to maintain herſelf, and not having any legal ſettlement in the ſaid pariſh of Y.; and the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Edward Kirton, in purſuance of the ſaid conſpiracy, combination, and agreement, afterwards, to wit, on the ſame day and year above-mentioned, at Y. aforeſaid, in the county aforeſaid, in the dwelling-houſe of him the ſaid Edward Kirton there ſituate, unlawfully did receive and lodge as an inmate the ſaid Sarah Whitney, ſo being pregnant with a baſtard child as aforeſaid, alſo being poor and unable to maintain herſelf, and not having any legal ſettlement in the ſaid pariſh of Y. and that he the ſaid E. Kirton in further purſuance of the ſame conſpiracy, combination, and agreement, her the ſaid Sarah Whitney an inmate in the ſame dwelling-houſe in the ſame pariſh and county, from the ſaid twentieth day of Auguſt, in the year aforeſaid, until the tenth day of October, in the year aforeſaid, unlawfully did continue; during which time, to wit, on the twentieth day of Auguſt, in the year aforeſaid, the ſaid Sarah Whitney, in the ſaid pariſh and county, did bring forth a female baſtard child, and the inhabitants of the ſame pariſh have during the time aforeſaid been thereby compelled to expend divers ſums of money, amounting in the whole to the ſum of three pounds, in the relief and maintenance of the ſaid S. Whitney and her baſtard child, to the great damage of the inhabitants of the ſaid pariſh of Y. to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment againſt juſtices of the peace for falſely certifying on an indictment againſt inhabitants of a pariſh, for not repairing highway, to a judge of aſſize, *that the road was in repair*, which in fact *was out of repair*, at the time of producing the certificate.

SURREY, *ſſ.* The jurors for our lord the king upon their oath preſent, that before the day of taking this inquiſition, to wit, at the general *ſeſſions of oyer and terminer* of our lord the king, holden at Croydon, in and for the county of Surry, on *Thurſday the eighteenth day of Auguſt, in the thirty-firſt year of the reign of our* ſovereign lord George the Third, now king of Great Britain, and ſo forth, before Sir Henry Gould, knight (ſince deceaſed), one of the juſtices of our ſaid lord the king of his court of common pleas, Sir John Wilſon, knight (alſo ſince deceaſed), one other of the juſtices of our ſaid lord the king of his ſaid court of common pleas, and others their fellows, juſtices of our ſaid lord the king, aſſigned by letters patent of our ſaid lord the king, under the great ſeal of Great Britain, to the ſaid Sir Henry Gould, Sir John Wilſon, and others their fellow juſtices of our ſaid lord the king, and to any two or more of them directed, or whom one of them, the ſaid Sir Henry Gould and Sir John Wilſon, amongſt others in the ſaid letters patent named, our ſaid lord the king willed to be one, to enquire more fully the truth by the oath of good and lawful men of the ſaid county, and by other ways, means, and methods by which they ſhould or might better know as well within the liberties as without, by whom the truth of the matter might be the better known and enquired into of all treaſons, miſpriſions

misprisions of treasons, insurrections, rebellions, counterfeitings, clippings, washings, false coinings, and all other falsities of the money of Great Britain, and other kingdoms or dominions whatsoever, and of all murthers, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champarties, deceits, and all other evil doings, offences, and injuries whatsoever, and also the accessaries of them within the county aforesaid, as well within liberties as without, by whomsoever, and in what manner soever done, committed, or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises and every of them or any of them in any manner whatsoever, and the said treasons, and other the premises according to the laws and customs of England, for that time to hear and determine, *a certain bill of indictment was preferred and found against the inhabitants of the parish of Windlesham*, in the said county of Surry, *for not repairing certain parts of a certain common king's highway leading from the said parish* of Windlesham, in the said county of Surry, towards and *unto the said parish of* Cobham, in the said county, that is to say, *a certain part of* the said highway called Rye Grove-lane, situate, lying, and being in the said parish of Windlesham, in the said county of Surry, and *a certain other part of* the said highway, also situate, lying, and being in the said parish of Windlesham, in the said county of Surry, and bounded at one extremity by the said lane, called Rye Grove-lane, and at the other extremity by a lane called Thornton-lane, in the said parish of Windlesham, in the said county of Surry, and which said parts of the highway were in and by the said indictment charged and alledged to be and *before and at the time of preferring and finding the said bill of indictment were respectively ruinous, miry, deep, broken, and in decay for want of due reparation and amendment of the same*: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, at the *next general sessions of* oyer and terminer of our said lord the king, holden at Kingston upon Thames, in and for the said county of Surry, on Wednesday *the twenty-first day of March, in the thirty-second year of the* reign of our said lord the king, before the above named Sir Henry Gould, Sir Beaumont Hotham, knight, one of the barons of our said lord the king of his court of exchequer, and others their fellows, justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to the said Sir Henry Gould, Sir Beaumont Hotham and others, their fellow justices of our said lord the king, and to any two or more of them directed, of whom one of them the said Sir Henry Gould, Sir Beaumont Hotham, amongst others in the said letters patent named, our said lord the king willed to be one, to enquire more fully the truth, by the oath of good and lawful

A bill of indictment was preferred against the inhabitants of the parish of Windlesham, for not repairing certain parts of a highway, leading from that parish to the parish of Cobham.

That at the subsequent assizes, holden on Wednesday, 21st March, 32, G. 3.

lawful men of the ſaid county, and by other ways, means, and methods by which they ſhould or might better know, as well within liberties as without, by whom the truth of the matter might be the better known and enquired into, of all treaſons, miſpriſions of treaſons, inſurrections, rebellions, counterfeitings, clippings, waſhings, falſe coinings, and all other falſities of the money of Great Britain, and other kingdoms or dominions whatſoever, and of all murders, felonies, manſlaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, aſſemblies, miſpriſions, confederacies and falſe allegations, treſpaſſes, riots, routs, retentions, eſcapes, contempts, falſities, negligences, concealments, maintenances, oppreſſions, champarties, deceits, and all other evil doings, offences, and injuries whatſoever, and alſo the acceſſaries of them within the county aforeſaid, as well within liberties as without, by whomſoever, and in what manner ſoever done, committed, or perpetrated, and by whom, or to whom, when, how, and after what manner, and of all other articles and circumſtances concerning the premiſes, and every of them, in any manner whatſoever, and the ſaid treaſons, and other the premiſes, according to the laws and cuſtoms of England, for that time to hear and determine, came *Henry Lee and Edward Hammond, two of the inhabitants of the ſaid pariſh of Windleſham, in the ſaid* county of Surry, in the name of all the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, and having heard the ſaid indictment read, they the ſaid Henry Lee and Edward Hammond, in behalf of themſelves and the reſt of the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, ſaid, that the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, were *not guilty* of the premiſes in the ſaid indictment above ſpecified, and charged on them, and of that they the ſaid Henry Lee and Edward Hammond, in the name of all the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, put themſelves upon the country; and William Gould, eſquire, clerk of the crown and clerk of the aſſizes for the ſaid county of Surry, who proſecuted for our ſaid lord the king in that behalf, did the like. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that afterwards, to wit, *at the next general ſeſſion of oyer and terminer* of our ſaid lord the king, holden at Guildford, in and for the ſaid county of Surry, on *Wedneſday the eighth day of Auguſt, in the ſaid thirty-ſecond year of the reign* of our ſaid lord the king, before the above-named Sir Henry Gould, Sir Naſh Groſe, knight, one of the juſtices of our ſaid lord the king, aſſigned to hold pleas before the king himſelf, and others their fellows, juſtices of our ſaid lord the king, aſſigned by letters patent of our ſaid lord the king under the great ſeal of Great Britain, to the ſaid Sir Henry Gould, Sir Naſh Groſe, and others their fellows, juſtices of our ſaid lord the king, and to any two or more of them directed, of whom one of them the ſaid Sir H. Gould and Sir Naſh Groſe, amongſt others in the ſaid letters patent named, our ſaid lord the king willed to be one,

Two of the inhabitants pleaded not guilty.

But at the next aſſizes holden on 8th Auguſt, 32 Geo. 3.

one, to enquire more fully the truth, by the oath of good and lawful men of the ſaid county, and by other ways and means and methods by which they ſhould or might better know, as well within liberties as without, by whom the truth of the matter might be the better known and enquired into, of all treaſons, miſpriſions of treaſons, inſurrections, rebellions, counterfeitings, clippings, waſhings, falſe coinings, and all other falſities of the money of Great Britain, and other kingdoms or dominions whatſoever, and of all murders, felonies, manſlaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, aſſemblies, miſpriſions, confederacies, and falſe allegations, treſpaſſes, riots, routs, retentions, eſcapes, contempts, falſities, negligences, concealments, maintenances, oppreſſions, champarties, deceipts, and all other evil doings, offences, and injuries whatſoever, and alſo the acceſſaries of them within the county aforeſaid, as well within liberties as without, by whomſoever and in what manner ſoever done, committed, or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumſtances concerning the premiſes, and every of them, or any of them, in any manner whatſoever, and the ſaid treaſons and other the premiſes, according to the laws and cuſtoms of England, for that time to hear and determine, came as well the ſaid William Gould, who proſecuted for our ſaid lord the king in that behalf, as the ſaid Henry Lee and Edward Hammond, in behalf of themſelves and the reſt of the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, then there, *praying leave of the court there to withdraw their ſaid plea of not guilty* above pleaded to the ſaid indictment, in the name of all the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry; and all and ſingular the premiſes being ſeen, and by the court there fully underſtood, it was conſidered by the ſaid court there, that the ſaid plea of not guilty above pleaded to the ſaid indictment by the ſaid Henry Lee and Edward Hammond, in behalf of themſelves and the reſt of the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, in the name of all the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, ſhould be withdrawn, *and the ſame then there was withdrawn accordingly* : Whereupon the ſaid Henry Lee and Edward Hammond, in behalf of themſelves and the reſt of the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, then and there ſaid, that the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, were guilty of the premiſes in the indictment aforeſaid above ſpecified and charged on them, in manner and form as in and by the ſaid indictment it was ſuppoſed againſt them : and thereupon afterwards, at the ſame ſeſſion of oyer and terminer ſo holden as laſt aforeſaid, and becauſe the ſaid court was not yet adviſed of giving judgment of and upon the premiſes, the ſaid laſt-mentioned court proceeded *to enquire, and a*

Plea of not guilty was withdrawn, and that of guilty pleaded in lieu of it.

And thereupon the court proceeded to an inquiry into the ſtate of the road preparatory to giving judgment.

certain

certain enquiry then and there took place, and was thereupon made by and before the said last mentioned court, into the then state and condition of the said parts of the said highway, which by the said indictment were so alledged to be out of repair as aforesaid, the said last-mentioned court then and there having competent power and authority to make the said enquiry: And the jurors aforesaid, upon their oath aforesaid, do further present, that *Sir Joseph Mawbey*, late of the parish of Chertsey, in the said county of Surry, *baronet*, before and at the time of preferring the said bill of indictment, was, and from thence hitherto hath been, and still is one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the said county of Surry, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the said county, and that *the Reverend James Liptrott*, late of the parish of Egham, in the said county of Surry, *clerk*, for and during all the time last-aforesaid, was and still is one other of the justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the said county of Surry, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the said county; and that *the Reverend Edward Cooper*, late of the said parish of Windlesham, in the said county of Surry, *clerk*, and *Ralph Leycester the elder*, late of the said parish of Windlesham, in the said county of Surry, *esquire*, for and during all the time last aforesaid, were two of the inhabitants of the said parish of Windlesham, in the said county of Surry: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment having been so preferred and found against the said inhabitants of the said parish of Windlesham as aforesaid, and the said inhabitants having so pleaded to the said indictment as aforesaid, and the said Sir Joseph Mawbey and James Liptrott, so being such justices as aforesaid, and the said Edward Cooper and Ralph Leycester, so being two of the inhabitants of the said parish of Windlesham as aforesaid, they the said *Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly conspiring*, combining, and confederating together *to obstruct and pervert the due course of justice, and to deceive and impose on the said court at which such enquiry into the state and condition of the said several parts of the said highways*, which by the said indictment were so alledged to be out of repair as aforesaid, *was so made as aforesaid, and unjustly to have it understood and believed by the said last-mentioned court, that those parts of the said highway had been well and sufficiently repaired* by the inhabitants of the said parish of Windlesham *after the preferring of the said indictment and before the making of such enquiry, and that the said several parts of the said highway, at the time of the making of the said enquiry, were in good and sufficient repair, and thereby unjustly to influence in favour of the inhabitants of the said parish of Windlesham the judgment to be given upon the said indictment*, after the pleading of such plea of not guilty as aforesaid to the said indictment, and before the said plea of not guilty was so withdrawn as aforesaid, and also before the

That Sir Joseph Mawbey and Dr. Liptrott, at the time of preferring indictment, were justices of the peace for the county of Surry;

and defendants Cooper and Leycester, two of the inhabitants of the parish of W.

That intending to pervert the due course of justice, and to impose upon the court, and to have it understood that the road had been repaired,

and thereby to influence the judgment,

making of ſuch inquiry as aforeſaid, to wit, on the twenty-fourth day of July, in the thirty-ſecond year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. with force and arms, at the ſaid pariſh of Windleſham, in the ſaid county of Surry, *unlawfully and unjuſtly did* CONSPIRE, combine, confederate, and agree TO PRODUCE AND EXHIBIT IN EVIDENCE *unto and before the ſaid laſt-mentioned court, in behalf of the inhabitants of the ſaid pariſh of Windleſham, at and upon the ſaid inquiry* ſo there made as aforeſaid, *a certain paper-writing, under the hands and ſeals of the ſaid Sir Joſeph Mawbey and James Liptrott, bearing date the twenty-fourth day of July, in the year of Our Lord* 1792, AS AND FOR A TRUE CERTIFICATE *in writing, by and under the hands and ſeals of the ſaid Sir Joſeph Mawbey and James Liptrott, as ſuch juſtices as aforeſaid, touching and concerning the ſaid parts of the ſaid highway which were* ſo by the ſaid indictment alledged to be out of repair as aforeſaid, and the ſtate and condition of the ſame; which ſaid paper-writing was and is to the tenor and effect following: "Surry, to wit. We, two of "his majeſty's juſtices of the peace of the county of Surry, acting "in and for the ſaid county (meaning the ſaid Sir Joſeph Mawbey "and James Liptrott) having this day (meaning the ſaid twenty-"fourth day of July, in the year of Our Lord 1792 aforeſaid) "viewed and examined the ſtate and condition of the road ſaid "to have been indicted at the laſt ſummer aſſizes, leading from a "place called Biddles Green, in the pariſh of Windleſham, in the "ſaid county, to a place called Weſtley Green, adjoining to the "pariſh of Cobham, in the county aforeſaid (*meaning the ſaid "parts of the ſaid highway in the ſaid indictment mentioned which "were ſo in and by the ſaid indictment alledged to be out of repair as "aforeſaid)* do certify, that the ſaid road (again meaning the ſaid "parts of the ſaid highway which were ſo in and by the ſaid "indictment alledged to be out of repair as aforeſaid) is well and "ſufficiently repaired, and is in ſuch a ſtate that the king's ſubjects, "with waggons, carts, coaches, and other carriages, may paſs and "repaſs ſafely and without inconvenience. Given under our "hands and ſeals this twenty-fourth day of July 1792. Joſeph "Mawbey (L. S.) James Liptrott (L. S.) Witneſs, Richard "Kempſter." And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Sir Joſeph Mawbey, James Liptrott, Edward Cooper, and Ralph Leyceſter, in purſuance of the ſaid unlawful conſpiracy, combination, confederacy, and agreement, ſo by them entered into as aforeſaid, *and with ſuch intent to influence the judgment upon the ſaid indictment* as aforeſaid, afterwards, to wit, at the ſaid general ſeſſions of oyer and terminer ſo holden as laſt aforeſaid, *did produce and exhibit unto and before the ſaid court of the ſaid laſt-mentioned* ſeſſion at and upon the ſaid enquiry ſo then and there made as aforeſaid, into the ſtate and condition of the ſaid parts of the ſaid highway which by the ſaid indictment were ſo alledged to be out of repair as aforeſaid, *the ſaid paper-writing* hereinbefore mentioned *as and for a true certificate in*

24th July 1792. Certificate

certifying the road to be in repair.

That they did thereupon produce ſuch falſe certificate in evidence.

in writing, by and under the hands and ſeals of the ſaid Sir Joſeph Mawbey and James Liptrott, as ſuch juſtices as aforeſaid, touching and concerning the ſaid parts of the ſaid highway which were ſo by the ſaid indictment alledged to be out of repair as aforeſaid, and the ſtate and condition of the ſame, they the ſaid Sir Joſeph Mawbey, James Liptrott, Edward Cooper, and Ralph Leyceſter, thereby then and there unjuſtly meaning and intending to have it *underſtood and believed by the ſaid laſt-mentioned* court, that the ſaid parts of the ſaid highway which were ſo by the ſaid indictment alledged to be out of repair as aforeſaid, had been well and ſufficiently repaired by the inhabitants of the ſaid pariſh of Windleſham after the preferring of the aforeſaid indictment, and before the making of ſuch inquiry as aforeſaid, and that the ſaid ſeveral parts of the ſaid highway, upon the ſaid twenty-fourth day of July, in the year 1792 aforeſaid, and at the time of the making of the ſaid enquiry were in good and ſufficient repair; WHEREAS *in truth and in fact the ſaid parts of the ſaid highway which* were ſo by the ſaid indictment alledged to be out of repair as aforeſaid, were not at any time after the preferring and finding of the aforeſaid indictment, and before the making of ſuch enquiry as aforeſaid, well and ſufficiently repaired, nor upon the ſaid twenty-fourth day of July, in the year of Our Lord 1792, nor at the time of making the ſaid enquiry, had the ſaid parts of the ſaid highway, or either of them, been well and ſufficiently repaired by the inhabitants of the pariſh of Windleſham, or by any other perſon or perſons, nor were the ſaid parts of the ſaid highway in ſuch a ſtate that the king's ſubjects with waggons, carts, coaches, and other carriages, might paſs and repaſs ſafely and without inconvenience, as by the ſaid paper-writing was and is ſo certified as aforeſaid; but on the contrary, the ſaid parts of the ſaid highway, upon the ſaid twenty-fourth day of July, in the year 1792 aforeſaid, and alſo at the time of making ſuch enquiry as aforeſaid, and alſo *at the time* that the ſaid Sir Joſeph Mawbey, James Liptrott, Edward Cooper, and Ralph Leyceſter *produced and exhibited in evidence as aforeſaid* the aforeſaid paper-writing, *remained, continued, and were ruinous, miry, deep, broken, and in great decay* for want of due reparation and amendment of the ſame, and ſo the ſaid Sir Joſeph Mawbey, and James Liptrott, Edward Cooper, and Ralph Leyceſter *well knew at the time of their ſo as aforeſaid producing and exhibiting in evidence the aforeſaid paper-writing, to the great obſtruction of public* juſtice, to the evil example of others in the like caſe offending, and againſt the peace of our ſaid lord the now king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid bill of indictment having been ſo preferred and found againſt the ſaid inhabitants of the ſaid pariſh of Windleſham as aforeſaid, and the ſaid plea of not guilty, which was ſo as aforeſaid pleaded to the ſaid indictment, having been ſo withdrawn as aforeſaid, and ſuch enquiry as aforeſaid into the ſtate and condition of the ſaid parts of the ſaid highway which were ſo by the ſaid indictment alledged to be out of repair as

Whereas in fact the road had not been repaired,

but was out of repair,

as defendants well knew at the time of their producing certificate in evidence.

2d Count.

aforesaid, thereupon taking place, and being made as aforesaid by and before the said court of general session of oyer and terminer so holden as last aforesaid, the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly confederating, contriving, and *intending to obstruct* and pervert the due course of justice, and to deceive and impose on the said court at which such enquiry into the state and condition of the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid was so made as aforesaid, and unjustly to have it understood and believed by the said last-mentioned court, that those parts of the said highway had been well and sufficiently repaired by the inhabitants of the said parish of Windlesham, after the preferring of the said indictment, and before the making of such inquiry, and that the said several parts of the said highway, at the time of the making of the said inquiry, were in good and sufficient repair, and thereby unjustly to influence in favour of the inhabitants of the said parish of Windlesham the judgment to be given upon the said indictment, afterwards, to wit, at the said general session of oyer and terminer so holden as last aforesaid, that is to say, at the said general session of oyer and terminer so holden at Guildford, in and for the said county of Surry, on the said eighth day of August, in the said thirty-second year of the reign of our lord the now king, and before the giving of judgment upon the said indictment, with force and arms, *unlawfully did produce and exhibit in evidence*, and cause and procure to be produced and exhibited in evidence, unto and before the said court of the said last-mentioned session, at and upon the said inquiry so then and there made as aforesaid into the state and condition of the said parts of the said highway which by the said indictment were so alledged to be out of repair as aforesaid, *a certain other false and fraudulent paper-writing*, under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, as and for a true certificate in writing by and under the hands and seals of them the said Sir Joseph Mawbey and James Liptrott as such justices as aforesaid, touching and concerning the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and the state and condition of the same; which said last-mentioned paper-writing was and is to the tenor and effect following, that is to say: "Surry. We, two of his majesty's justices of the peace of the county of Surry, acting in and for the said county (meaning the said Sir Joseph Mawbey and James Liptrott) having this day (meaning the said twenty-fourth day of July, in the year 1792 aforesaid) viewed and examined the state and condition of the road said to have been indicted at the last summer assizes, leading from a place called Biddles Green, in the parish of Windlesham, in the said county, to a place called Westley Green, adjoining to the parish of Cobham, in the county aforesaid (meaning the said parts of the said highway in the said indictment mentioned which were so, in and by the said indictment, alledged to be out of repair as aforesaid), do certify, that the said road (again

That defendants intending, &c. as in 1st Count.

Did produce false certificate in evidence.

"meaning the ſaid parts of the ſaid highway which were ſo in "and by the ſaid indictment alledged to be out of repair as afore-"ſaid) is well and ſufficiently repaired, and is in ſuch a ſtate that "the king's ſubjects with waggons, carts, coaches, and other car-"riages may paſs and repaſs ſafely and without inconvenience. "Given under our hands and ſeals this twenty-fourth day of July "1792. Joſeph Mawbey (L. S.) James Liptrott (L. S.) "Witneſs, Richard Kempſter:" They the ſaid Sir Joſeph Mawbey, James Liptrott, Edward Cooper, and Ralph Leyceſter, thereby then and there unjuſtly meaning and intending to have it underſtood and believed by the ſaid laſt-mentioned court, that the ſaid parts of the ſaid highway which were by the ſaid indictment alledged to be out of repair as aforeſaid, had been repaired after the preferring of the aforeſaid indictment, and before the making of ſuch inquiry as aforeſaid, and that the ſaid ſeveral parts of the ſaid highway, upon the ſaid twenty-fourth day of July, in the year 1792 aforeſaid, and at the time of the making of the ſaid inquiry, were in good and ſufficient repair, with intent unlawfully and unjuſtly to influence in favour of the inhabitants of the ſaid pariſh of Windleſham the judgment to be given upon the ſaid indictment; *whereas in truth and in fact* the ſaid parts of the ſaid highway which were ſo by the ſaid indictment alledged to be out of repair as aforeſaid were not, at any time after the preferring and finding of the aforeſaid indictment, and before the making of ſuch inquiry as aforeſaid, well and ſufficiently repaired, nor upon the ſaid twenty-fourth day of July, in the year 1792 aforeſaid, nor at the time of making of the ſaid inquiry had the ſaid parts of the ſaid highway, or either of them, been well and ſufficiently repaired by the ſaid inhabitants of the ſaid pariſh of Windleſham, or by any other perſon or perſons, nor were the ſaid parts of the ſaid highway in ſuch a ſtate that the king's ſubjects with waggons, carts, coaches, and other carriages might paſs and repaſs ſafely, and without inconvenience, as by the ſaid laſt-mentioned paper-writing was and is ſo certified as aforeſaid; but on the contrary the ſaid parts of the ſaid highway, upon the ſaid twenty-fourth day of July, in the year 1792 aforeſaid, and alſo at the time of making ſuch inquiry as aforeſaid, and alſo at the time the ſaid Sir Joſeph Mawbey, James Liptrott, Edward Cooper, and Ralph Leyceſter ſo produced and exhibited, and cauſed and procured to be produced and exhibited in evidence as aforeſaid, the ſaid laſt-mentioned paper-writing remained and continued ruinous, miry, deep, broken, and in great decay, for want of due reparation and amendment of the ſame; and ſo *the ſaid Sir Joſeph Mawbey*, James Liptrott, Edward Cooper, and *Ralph Leyceſter, well knew at the time that they ſo produced and exhibited, and cauſed* and procured to be produced and exhibited in evidence as aforeſaid, the ſaid laſt-mentioned paper-writing, to the great obſtruction of public juſtice, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid bill of indictment having been ſo preferred

Averments of road being out of repair.

Sciverunt.

3d Count.

and found against the said inhabitants of the said parish of Windlesham as aforesaid, and the said Sir Joseph Mawbey and James Liptrott so being such justices as aforesaid, and the said Edward Cooper and Ralph Leycester so being two of the inhabitants of the said parish of Windlesham as aforesaid, they the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly conspiring, combining, and confederating together *to obstruct and pervert the due course of justice, and unlawfully and unjustly to influence, in favour of the inhabitants of the said parish of Windlesham, the judgment to be given upon the said indictment*, before the giving of such judgment, and also before the said general session of oyer and terminer, so holden at Guildford aforesaid, in and for the said county of Surry, upon the said eighth day of August, in the thirty-second year aforesaid, to wit, on the said twenty-fourth day of July, in the said thirty-second year of the reign of our said lord the now king, with force and arms, at the said parish of Windlesham, in the said county of Surry, unlawfully and unjustly *did conspire, combine, confederate*, and agree to produce and exhibit *unto and before the court of the said last-mentioned* session of oyer and terminer, so holden in and for the said county of Surry as aforesaid, in behalf of the inhabitants of the said parish of Windlesham, a certain other false and fraudulent paper-writing, purporting to be a certificate in writing, by and under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, touching and concerning the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and the state and condition of the same; which said last-mentioned paper-writing was and is to the tenor and effect following:

Certificate without innendos.

" Surry, to wit. We, two of his majesty's justices of the peace " of the county of Surry, acting in and for the said county, having " this day viewed and examined the state and condition of the road " said to have been indicted at the last summer assizes, leading " from a place called Biddles Green, in the parish of Windlesham, " in the said county, to a place called Westley Green, adjoining to " the parish of Cobham, in the county aforesaid, do certify that " the said road *is well and sufficiently repaired, and is in such a " state that the king's subjects with waggons, carts, coaches, and " other carriages may pass and repass safely, and without inconvenience.* Given under our hands and seals this twenty-fourth day " of July 1792. Joseph Mawbey (L. S.) James Liptrott " (L. S.) Witness, Richard Kempster." And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, in pursuance of the said unlawful conspiracy, combination, confederacy, and agreement so by them entered into as last aforesaid, and with such intent to influence the judgment to be given upon the said indictment as aforesaid, afterwards, to wit, at the said general session of oyer and terminer so holden at Guildford aforesaid, in the county of Surry, upon the said eighth day of August, in the thirty-second year aforesaid, *did produce and exhibit, and cause and*

procure to be produced and exhibited unto and before the court of the said last-mentioned session, the said paper writing last hereinbefore mentioned, as and for a true certificate in writing, by and under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, as such justices as aforesaid, touching and concerning the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and the state and condition of the same, they the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, thereby then and there *meaning and intending* to have it understood and believed by the said last-mentioned court, that the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, had been well and sufficiently repaired after the preferring of the aforesaid indictment, and before the producing and exhibiting of the said last-mentioned paper-writing, unto and before the said last-mentioned court as aforesaid, and that the said several parts of the said highway, at the time of so producing and exhibiting such paper writing as last aforesaid unto and before the said last-mentioned court were in good and sufficient repair; *whereas in truth and in fact the said parts of the said highway* which were so by the said indictment alledged to be out of repair as aforesaid, *were not at any time after the preferring* of the aforesaid indictment, and before the producing and exhibiting of the said last-mentioned paper-writing unto and before the said last-mentioned court as aforesaid, well and sufficiently repaired, nor at the time of so producing and exhibiting the said last-mentioned paper-writing had the said parts of the said highway been, nor were, nor was either of them *well and sufficiently repaired*; but on the contrary the said parts of the said highway, at the time of so producing and exhibiting such last-mentioned paper writing as aforesaid, unto and before the said last-mentioned court, remained, continued, and were ruinous, miry, deep, broken, and in great decay, for want of due reparation and amendment of the same; and so the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester well knew at the time of so producing and exhibiting the said last-mentioned paper-writing unto and before the said last-mentioned court as aforesaid, to the great obstruction of public justice, to the evil example of others in the like case offending, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment having been so preferred and found against the said inhabitants of the said parish of Windlesham as aforesaid, and the said Sir Joseph Mawbey and James Liptrott so being such justices as aforesaid, and the said Edward Cooper and Ralph Leycester so being two of the inhabitants of the said parish of Windlesham as aforesaid, they the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly contriving *and intending to obstruct and pervert the due course of justice, and unlawfully and unjustly to influence, in favour of the inhabitants of the said parish of Windlesham, the judgment* to be given

Averments.

4th Count.

given upon the ſaid indictment, afterwards, and before the giving of ſuch judgment, *and when the ſame was about to be given*, to wit, at the ſaid general ſeſſion of oyer and terminer of our lord the king, ſo holden at Guildford aforeſaid, in and for the ſaid county of Surry, on the ſaid eighth day of Auguſt, in the thirty-ſecond year of the reign of our ſaid lord the now king, with force and arms, unlawfully *did produce and exhibit, and cauſe and procure to be produced and exhibited* unto and before the court of the ſaid laſt-mentioned ſeſſion, in behalf of the inhabitants of the ſaid pariſh of Windleſham, a certain other falſe and fraudulent paper writing, purporting to be and as and for a certificate in writing, by and under the hands and ſeals of the ſaid Sir Joſeph Mawbey and James Liptrott, *touching and concerning the ſaid parts of the ſaid highway* which were ſo by the ſaid indictment alledged to be out of repair as aforeſaid, and *the ſtate and condition of the ſame*; which ſaid laſt-mentioned paper-writing was and is to the tenor and effect following: "Surry, to wit. We, two of his "majeſty's juſtices of the peace of the county of Surry, acting in "and for the ſaid county, having this day viewed and examined the "ſtate and condition of the road ſaid to have been indicted at the "laſt ſummer aſſizes, leading from a place called Biddles Green, "in the pariſh of Windleſham, in the ſaid county, to a place called "Weſtley Green, adjoining to the pariſh of Cobham, in the "county aforeſaid, do certify that the ſaid road is well and ſuffi-"ciently repaired, and is in ſuch a ſtate that the king's ſubjects "with waggons, carts, coaches, and other carriages may paſs and "repaſs ſafely and without inconvenience. Given under our "hands and ſeals this twenty-fourth day of July 1792. Joſeph "Mawbey (L. S.) James Liptrott (L. S.) Witneſs, Richard "Kempſter:" They the ſaid Sir Joſeph Mawbey, James Liptrott, Edward Cooper, and Ralph Leyceſter, thereby then and there meaning and intending to have it underſtood and believed by the ſaid laſt-mentioned court, that the ſaid parts of the ſaid highway which were ſo by the ſaid indictment alledged to be out of repair as aforeſaid had been well and ſufficiently repaired, after the preferring of the aforeſaid indictment, and before the producing and exhibiting of the ſaid laſt-mentioned paper-writing unto and before the ſaid laſt-mentioned court as aforeſaid, and that the ſaid ſeveral parts of the ſaid highway, at the time of ſo producing and exhibiting ſuch paper writing as laſt-aforeſaid, unto and before the ſaid laſt-mentioned court, were in good and ſufficient repair, with intent unjuſtly to influence in favour of the inhabitants of the ſaid pariſh of Windleſham the judgment to be given upon the ſaid indictment; *whereas in truth and in fact* the ſaid parts of the ſaid highway which were ſo by the ſaid indictment alledged to be out of repair as aforeſaid were not, at any time after the preferring of the aforeſaid indictment, and before the producing and exhibiting the ſaid laſt-mentioned paper-writing unto and before the ſaid laſt-mentioned court as aforeſaid, well and ſufficiently repaired, nor at the time of ſo producing and exhibiting the ſaid laſt-mentioned paper writing had the ſaid parts of the ſaid highway been, nor were, nor was either

Averments.

of

of them well and sufficiently repaired; but on the contrary the said parts of the said highway, at the time of so producing and exhibiting such last-mentioned paper-writing as aforesaid unto and before the said last-mentioned court, remained, continued, and were ruinous, foundrous, miry, deep, broken, and in great decay, for want of due reparation and amendment of the same; *and so the said Sir Joseph Mawbey*, James Liptrott, Edward Cooper, and Ralph Leycester, *well knew at the time* of so producing and exhibiting the said last-mentioned paper-writing unto and before the said last-mentioned court as aforesaid, to the great obstruction of public justice, to the evil example of others in the like case offending, and against the peace of our said lord the now king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment having been so preferred and found against the inhabitants of the said parish of Windlesham as aforesaid, and the said Sir Joseph Mawbey and James Liptrott so being such justices as aforesaid, and the said Edward Cooper and Ralph Leycester so being two of the inhabitants of the said parish of Windlesham as aforesaid, they the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly *conspiring*, combining, and confederating together to *obstruct and pervert the due course of justice, whilst the* said indictment was depending and before the giving of judgment thereon, to wit, on the said twenty-fourth day of July, in the thirty-second year aforesaid, with force and arms, at the said parish of Windlesham, in the said county of Surry, unlawfully and unjustly *did conspire*, combine, confederate, and agree together, *that the said Sir Joseph Mawbey and James Liptrott, so being such justices as aforesaid, should, as such justices as aforesaid, view the said parts of the said highway which were so by the said* indictment alledged to be out of repair as aforesaid, *and should thereupon*, as such justices as aforesaid, *certify the same to be in repair, and that such certificate should be afterwards produced and given in evidence upon the said indictment, in behalf of the inhabitants of the said parish of* Windlesham. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, having so entered into such conspiracy, combination, confederacy, and agreement as last aforesaid, the said Sir Joseph Mawbey and James Liptrott, in pursuance of the said last-mentioned conspiracy, combination, confederacy, and agreement, afterwards, and before the giving of judgment upon the said indictment, to wit, on the said twenty-fourth day of July, in the thirty-second year aforesaid, did, as such justices as aforesaid, *view the said parts of the* said highway which were so by the said indictment alledged to be out of repair as aforesaid, and did thereupon then and *there sign and seal* a certain other paper-writing as and for a certificate in writing by and under the hands and seals of them the said Sir Joseph Mawbey and James Liptrott, as such justices as aforesaid, of their having so as aforesaid viewed the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and that the same were well and sufficiently repaired,

Scilicet.

5th Count.

Conspiracy that M. and L. should view the road, and certify the same to be in repair, and that certificate should afterwards be given in evidence in behalf of the parish.

View.

Certificate.

paired, which ſaid laſt-mentioned paper writing was and is to the tenor and effect following, " Surry to wit; We, two of his ma-" jeſty's juſtices of the peace of the county of Surry, acting in and " for the ſaid county, having this day viewed and examined the " ſtate and condition of the road ſaid to have been indicted at the " laſt ſummer aſſizes, leading from a place called Biddles Green " in the pariſh of Windleſham, in the ſaid county, to a place called " Weſtley Green, adjoining to the pariſh of Cobham in the county " aforeſaid, do certify that the ſaid road is well and ſufficiently " repaired, and is in ſuch a ſtate, that the king's ſubjects with " waggons, carts, coaches, and other carriages may paſs and repaſs " ſafely and without inconvenience. Given under our hands and ſeals, " this twenty-fourth day of July 1792. Joſeph Mawbey, (L.S.) " James Liptrott, (L.S.) witneſs Richard Kempſter:" And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Sir Joſeph Mawbey and James Liptrott, having ſo ſigned and ſealed ſuch paper writing as laſt aforeſaid, they the ſaid Sir Joſeph Mawbey and James Liptrott, and the ſaid Edward Cooper and Ralph Leyceſter in further purſuance of the ſaid unlawful conſpiracy, combination, confederacy, and agreement ſo between them had and entered into as laſt aforeſaid, afterwards and before *the giving of judgment on the ſaid laſt-mentioned indictment, and when ſuch judgment was about to be given, to wit, at the ſaid ſeſſion of* oyer and terminer ſo as aforeſaid, holden at Guildford in and for the ſaid county of Surry, on the ſaid eighth day of Auguſt, in the thirty-ſecond year aforeſaid, unlawfully, *and with intent unjuſtly to influence in favour of* the inhabitants of the ſaid pariſh of Windleſham, the judgment then about to be given upon the ſaid indictment, *did produce and exhibit, and cauſe and procure to be produced and exhibited in evidence, unto and before the court of the ſaid laſt-mentioned* ſeſſion in behalf of the inhabitants of the ſaid pariſh of Windleſham, the ſaid laſt-mentioned paper writing, as and for a true certificate in writing, by and under the hands and ſeals of the ſaid Sir Joſeph Mawbey and James Liptrott, as ſuch juſtices as aforeſaid, of their having ſo as aforeſaid viewed the ſaid parts of the ſaid highway, which were ſo by the ſaid indictment alledged to be out of repair as aforeſaid, and of the ſtate and condition of the ſame; whereas in truth and in fact the ſaid parts of the ſaid highway, which were ſo by the ſaid indictment alledged to be out of repair as aforeſaid, were not at the time the ſaid Sir Joſeph Mawbey and James Liptrott ſo as aforeſaid viewed the ſame, nor at the time of their ſo ſigning and ſealing ſuch paper writing as laſt aforeſaid, nor when they ſo produced and exhibited ſuch laſt-mentioned paper writing in evidence as aforeſaid, well and ſufficiently repaired, as and by the ſaid laſt-mentioned paper writing was and is certified as aforeſaid, but on the contrary the ſaid parts of the ſaid highway at the time of ſo viewing the ſame as aforeſaid, and alſo at the time of producing and exhibiting in evidence as aforeſaid the ſaid laſt-mentioned paper writing, were ruinous, miry, deep, broken, and in great decay, for want of due reparation and amendment of the ſame, and ſo the ſaid Sir

Production of certificate in evidence.

Averments.

Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester *well knew* at the time of their so producing and exhibiting in evidence as aforesaid the said last-mentioned paper writing, to the great obstruction of public justice, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment having been so preferred and found against the inhabitants of the said parish of Windlesham, in the said county of Surry as aforesaid, and the inhabitants of the said parish having so as aforesaid confessed themselves guilty of the premises in the said indictment specified and charged on them, such further proceedings were had upon the said indictment, that afterwards, to wit, at the general sessions of oyer and terminer of our said lord the king, holden at Kingston upon Thames aforesaid, in and for the said county of Surry, on Thursday the twenty-first day of March, in the thirty-third year of the reign of our sovereign lord the king, before the above-named Sir Henry Gould, the above-named Sir Beaumont Hotham, and others their fellows, justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to the said Sir Henry Gould, Sir Beaumont Hotham, and others their fellows, justices of our said lord the king, and to any two or more of them directed, of whom one of them, the said Sir Henry Gould and Sir Beaumont Hotham, amongst others in the said letters patent named, our said lord the king willed to be one, to enquire more fully the truth, by the oath of good and lawful men of the said county, and by other ways, means, and methods by which they should or might better know, as well within liberties as without, by whom the truth of the matter might be better known and inquired into, of all treasons, misprisions of treasons, insurrections, rebellions, counterfeitings, clippings, washings, false coining, and all other falsities of the money of Great Britain, and other kingdoms, or dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, cham-perties, deceits, and all other evil doings, offences, and injuries whatsoever, and also the accessaries of them, within the county aforesaid, as well within liberties as without, by whomsoever and in what manner soever done, committed, or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, or any of them in any manner whatsoever, and the said treasons, and other the premises, according to the laws and customs of England, for that time to hear and determine, it was considered and adjudged by the said court there, that the inhabitants of Windlesham should pay a fine of 100l. into the hands of Thomas Haverfield, esquire.

Sciverunt.

6th Count.

Caption of Court at Kingston, 21st day of March, 1793.

It was adjudged that the inhabitants

tants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, ſhould pay a fine of one hundred pounds into the hands of Thomas Haverfield, eſquire, to be by him applied to the reparation and amendment of the reſpective parts of the ſaid highway, in the ſaid indictment above ſpecified and alledged to be in great decay, for want of due reparation and amendment, by the ſaid inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry, and that the ſaid Thomas Haverfield ſhould levy and receive the ſaid fine of one hundred pounds, and apply the ſame in manner and form as before directed, as by the record and proceedings thereof fully appeareth: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that ſuch judgment as aforeſaid, having been ſo given as aforeſaid, upon the ſaid indictment; and it appearing to the ſaid court of general ſeſſion of oyer and terminer, ſo holden as laſt aforeſaid, that the reſpective parts of the ſaid highway, which were ſo in and by the ſaid indictment alledged to be out of repair as aforeſaid, had not been ſufficiently repaired and amended, and were then in great decay for want of due reparation and amendment; it was by a certain order then and there made by and at the ſaid laſt-mentioned court, ordered and adjudged by the ſaid court there, that the inhabitants of the ſaid pariſh of Windleſham, ſhould pay a fine of one hundred pounds for not repairing the ſaid highway, being the ſaid fine which was ſo impoſed upon the ſaid inhabitants of the ſaid pariſh of Windleſham, by the ſaid judgment ſo as aforeſaid given againſt them, upon the ſaid indictment, to be levied by and paid into the hands of Thomas Haverfield of Hampton Court in the county of Middleſex, eſquire, (being the ſaid Thomas Haverfield, hereinbefore mentioned), and to be by him applied towards the repair and amendment of the ſaid highway; and it was by the ſaid order further ordered and directed by the ſaid court there, that the ſaid Thomas Haverfield ſhould levy the ſaid fine of one hundred pounds upon any one or more of the inhabitants of the ſaid pariſh of Windleſham, and apply the ſame towards the raparation and amendment of the ſaid highway, and that he ſhould receive and apply the ſaid fine as before directed, and account for the ſame at the next general ſeſſions of oyer and terminer to be held for the ſaid county of Surry, unleſs the then court ſhould make other order reſpecting the ſame, as by the ſaid order fully appeareth: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid order having been ſo made as aforeſaid, and having been alſo duly ſerved upon the ſaid Thomas Haverfield; and the ſaid Thomas Haverfield being about to levy the ſaid fine, ſo impoſed upon the ſaid inhabitants of the ſaid pariſh of Windleſham as aforeſaid, and to apply the ſame when levied towards the repair and amendment of the ſaid highway, according to the directions of the ſaid order; and in execution of the ſame, the ſaid Sir Joſeph Mawbey, James Liptrott, Edward Cooper, and Ralph Leyceſter, unlawfully and wickedly contriving and intending to obſtruct and pervert the due courſe of juſtice, and to prevent and hinder the execution of the

the ſaid order, and to deter the ſaid Thomas Haverfield from ſo levying and applying the ſaid fine of one hundred pounds, under and in purſuance of the ſaid order, and in execution of the ſame afterwards, and before the ſaid fine had been or was paid or levied, and whilſt he the ſaid Thomas Haverfield was ſo about to levy and apply the ſame as aforeſaid, to wit, on the firſt day of May, in the thirty-third year of the reign of our ſaid lord the now king, with force and arms, at the ſaid pariſh of Windleſham, in the ſaid county of Surry, unlawfully did produce and deliver, and cauſe and procure to be produced and delivered unto the ſaid Thomas Haverfield a certain paper writing in the form of a letter from the ſaid Edward Cooper, directed to the ſaid Thomas Haverfield, by the name and addition of Mr. Haverfield, gardener to his majeſty, at "Kew, "Surry," touching and concerning the ſaid fine and the ſaid highway, in the repair of which the ſaid fine was ſo ordered and adjudged to be applied as aforeſaid, and purporting to contain a copy of a certificate from certain perſons therein mentioned, which ſaid laſt-mentioned paper writing was and is to the tenor and effect following, "Sir, It is thought neceſſary to furniſh you "(meaning the ſaid Thomas Haverfield) with the underwritten "copy of a certificate which has been handed up to Baron Hotham "(meaning the ſaid Sir Beaumont Hotham herein-before-men- "tioned, and ſo as aforeſaid, being one of the juſtices before "whom the ſaid ſeſſion of oyer and terminer was ſo holden as afore- "ſaid, at which the ſaid fine of one hundred pounds was ſo im- "poſed upon the inhabitants of the ſaid pariſh of Windleſham as "aforeſaid, for not repairing the ſaid parts of the ſaid highway, "which were ſo in and by the ſaid indictment alledged to be out of "repair as aforeſaid), in the hope that either his influence, or a "petition to ſuperior authority, may relieve the inhabitants of "Windleſham (meaning the inhabitants of the ſaid pariſh of Win- "dleſham in the ſaid county of Surry) from the burden that hath "been impoſed on them (thereby alluding to the ſaid fine of "one hundred pounds which had been and was ſo as aforeſaid im- "poſed upon the ſaid inhabitants of the ſaid pariſh of Windleſham), "you will pleaſe to take notice, that the road (meaning the ſaid "parts of the ſaid highway, which were ſo by the ſaid indictment "alledged to be out of repair as aforeſaid) in the opinion of ſo "many gentlemen, ſome of them of the firſt rank and reſpect in "the country, is in perfect repair, and that if you (meaning the "ſaid Thomas Haverfield) unneceſſarily laviſh any of the pariſh's "money (thereby alluding to the ſaid fine of one hundred pounds, "which had been and was ſo impoſed upon the inhabitants of the "ſaid pariſh of Windleſham as aforeſaid, and which was ſo about "to be levied and applied by the ſaid Thomas Haverfield as afore- "ſaid thereon, meaning on the ſaid parts of the ſaid highway which "were ſo by the ſaid indictment alledged to be out of repair as "aforeſaid), your accounts, (meaning the account of the ſaid "Thomas Haverfield, with reſpect to the expenditure of the ſaid "fine of one hundred pounds, under and in purſuance of the ſaid "order

Mr. Cooper's letter.

" order, and in execution of the ſame) will be diſputed. I am ſir, " your humble ſervant, Edward Cooper. Windleſham, May the " firſt 1793. We who have ſubſcribed our names, commiſ- " oners of different turnpike roads in the neighbourhood of Win- " dleſham, having viewed ſince the laſt aſſizes for the county of " Surry, a public highway in the ſaid pariſh of Windleſham, in " the ſaid county of Surry, indicted by John Farhill, eſquire " (meaning the ſaid parts of the ſaid highway which were ſo by " the aforeſaid indictment alledged to be out of repair as aforeſaid), " cannot help expreſſing our ſurprize that Mr. Farhill ſhould be " ſo preſſing to have the fine of one hundred pounds (meaning " the ſaid fine of one hundred pounds which was ſo as aforeſaid " impoſed upon the inhabitants of the ſaid pariſh of Windleſham) " levied, when in our opinion he ought rather to have joined with " the pariſh in praying the court for a remiſſion of it, the ſaid " highway (meaning the ſaid parts of the ſaid highway, which by the " ſaid indictment were ſo alledged to be out of repair as aforeſaid) " having been put in the good and perfect ſtate of repair we find " it in, Sir Edward Blackett, baronet, Egham, Sir Joſeph Maw- " bey, baronet, Chertſey (meaning the ſaid Sir Joſeph Mawbey, " herein-before mentioned), major Scott, Egham, David Jebb, " eſquire, ditto, Colonel Axtel, Chertſey, John Webb, eſquire, " Binfield, Berks, G. John Ravenſhaw, eſquire, Eaſt Hampſtead, " ditto, Reverend Mr. Biſſe, Egham, Reverend Mr. Pettingal, " Eaſt Hampſtead," with intent to prevent and hinder the execution of the ſaid order hereinbefore mentioned, and to deter the ſaid Thomas Haverfield from levying and applying the ſaid fine of one hundred pounds ſo impoſed upon the ſaid inhabitants of the ſaid pariſh of Windleſham as aforeſaid, under and in purſuance of the ſaid order, and in execution of the ſame, to the great obſtruction of public juſtice, to the evil example of others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid bill of indictment having been ſo preferred and found againſt the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry as aforeſaid, and ſuch judgment as aforeſaid having been ſo given thereon as aforeſaid againſt the inhabitants, and ſuch order as aforeſaid having been ſo, by, and at the ſaid court of the ſaid ſeſſion of oyer and terminer, ſo holden at Kingſton upon Thames aforeſaid, in and for the ſaid county of Surry, on the ſaid twenty-firſt day of March, in the thirty-third year aforeſaid, for the levying and applying of the ſaid fine of one hundred pounds, ſo by the ſaid judgment impoſed upon the ſaid inhabitants of the ſaid pariſh of Windleſham as aforeſaid; and the ſaid Thomas Haverfield being about to levy and apply the ſaid fine, according to the direction of the ſaid order, and in execution of the ſame, the ſaid Joſeph Mawbey, James Liptrott, Edward Cooper, and Ralph Leyceſter, unlawfully and wickedly contriving and intending to obſtruct and pervert the due courſe of juſtice, and to prevent and hinder the execution of the ſaid order, afterwards

9th Count.

afterwards and before the ſaid fine of one hundred pounds had been or was paid or levied, to wit, on the ſaid firſt day of May, in the thirty-third year aforeſaid, with force and arms, at the ſaid pariſh of Windleſham, in the ſaid county of Surry, unlawfully did conſpire, combine, confederate, and agree together, by means of threats and menaces unto and to the ſaid Thomas Haverfield, and by other unlawful ways, means, and methods to obſtruct and hinder the execution of the ſaid order of the ſaid court of the ſeſſion of oyer and terminer, ſo holden as laſt aforeſaid, and to deter and prevent him the ſaid Thomas Haverfield from levying and applying the ſaid fine of one hundred pounds, hereinbefore mentioned, according to the directions of the ſaid order, and in execution of the ſame, to the great obſtruction of public juſtice, to the evil example of others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid bill of indictment, having been ſo preferred and found againſt the ſaid inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry as aforeſaid, for not repairing ſuch parts as aforeſaid of the ſaid highway, hereinbefore mentioned, ſuch proceedings were thereupon had, that afterwards, to wit, at the ſaid general ſeſſion of oyer and terminer of our ſaid lord the king, holden at Kingſton upon Thames aforeſaid, in and for the ſaid county of Surry, on Thurſday the twenty-firſt day of March, in the thirty third year aforeſaid, a certain other order was made by and at the ſaid court of general ſeſſion of oyer and terminer ſo holden as laſt aforeſaid, by which the ſaid laſt-mentioned order, after reciting (amongſt other things), "that it appeared to the ſaid laſt-mentioned "court, that the reſpective parts of the ſaid highway which were "ſo in and by the ſaid indictment alledged to be out of repair as "aforeſaid, had not been ſufficiently repaired and amended, and "were in great decay for want of due reparation and amendment; "it was ordered and adjudged by the ſaid court there, that the in-"habitants of the ſaid pariſh of Windleſham ſhould pay a fine "of one hundred pounds for not repairing the ſaid highway, to be "levied by and paid into the hands of the ſaid Thomas Haverfield, "hereinbefore mentioned, and to be him applied towards the "repair and amendment of the ſaid highway; and it was alſo fur-"ther ordered and directed by the ſaid court there, that the ſaid "Thomas Haverfield ſhould levy the ſaid fine of one hundred "pounds upon any one or more of the inhabitants of the ſaid "pariſh of Windleſham, and that he ſhould receive and apply "the ſaid fine as before directed, and account for the ſame at the "next general ſeſſion of oyer and terminer to be holden for the ſaid "county of Surry, unleſs the then court ſhould make other order "reſpecting the ſame." As by the ſaid laſt-mentioned order fully appeareth: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid laſt-mentioned order having been ſo made as aforeſaid, and the ſaid Thomas Haverfield being about to execute the ſame, the ſaid Sir Joſeph Mawbey, James Liptrott, Edward

8th Count.

Edward Cooper, and Ralph Leycester, unlawfully and wickedly contriving and intending to obstruct and pervert the due course of justice, and to prevent and hinder the execution of the said last-mentioned order, and to deter the said Thomas Haverfield from executing the same, afterwards, and before the said fine of one hundred pounds which was so by the said last-mentioned order ordered and directed to be paid and levied as aforesaid, had been or was paid or levied, and whilst the said Thomas Haverfield was so about to execute the said last-mentioned order as aforesaid, to wit, on the said first day of May, in the thirty-third year aforesaid, with force and arms, at the said parish of Windlesham, in the said county of Surry, unlawfully did produce and deliver, and cause and procure to be produced and delivered unto the said Thomas Haverfield, a certain other paper-writing in the form of a letter from the said Edward Cooper, directed to the said Thomas Haverfield, by the name and addition of "Mr. Haverfield, gardener to his majesty, at Kew, "Surry," touching and concerning the said fine which was so by the said last-mentioned order ordered and directed to be paid and levied as aforesaid, and touching and concerning the said highway, in the repair of which the said fine was so ordered to be applied as aforesaid, and purporting to contain a copy of a certificate from certain persons therein mentioned; which said last-mentioned paper-writing was and is to the tenor and effect following: "Sir, "It is thought necessary to furnish you (meaning the said Thomas "Haverfield) with the under-written copy of a certificate which "has been handed up to Baron Hotham (meaning the said Sir "Beaumont Hotham hereinbefore mentioned, and so as aforesaid "being one of the justices before whom the said session of oyer "and terminer was so holden as aforesaid, at which the said last-"mentioned order was so made as aforesaid), in the hope that "either his influence, or a petition to superior authority, may "relieve the parish of Windlesham (meaning the inhabitants of "the said parish of Windlesham, in the said county of Surry) "from the burthen that has been imposed on them (thereby "alluding to the said fine of one hundred pounds which had been "and was so as aforesaid imposed upon the said inhabitants of the "said parish of Windlesham by the said last-mentioned order). "You'll please to take notice, that the road (meaning the said "parts of the said highway which were so by the said indictment "alledged to be out of repair as aforesaid), in the opinion of so "many gentlemen, some of them of the first rank and respect in "the country, is in perfect repair; and that if you (meaning "the said Thomas Haverfield) unnecessarily lavish any of the "parish's money (meaning the said fine of one hundred pounds "which was so in and by the said last-mentioned order ordered and "directed to be paid by the inhabitants of the said parish of Win-"dlesham as aforesaid) thereon (meaning on the said parts of the "said highway which were so by the said indictment alledged to "be out of repair as aforesaid), your accounts (meaning the "accounts of the said Thomas Haverfield with respect to the

"expenditure

" expenditure of the ſaid fine of one hundred pounds under and in " purſuance of the ſaid laſt-mentioned order, and in the execution " of the ſame), will be diſputed. I am, Sir, your humble ſervant, " Edward Cooper. Windleſham, firſt day of May 1793." " We " who have ſubſcribed our names, commiſſioners of different " turnpike-roads in the neighbourhood of Windleſham, having " viewed, ſince the laſt aſſizes for the county of Surry, a public " highway in the ſaid pariſh of Windleſham, in the ſaid county, " indicted by John Farhill, eſquire (meaning the ſaid parts of " the ſaid highway which were ſo by the ſaid indictment alledged " to be out of repair as aforeſaid), cannot help expreſſing our " ſurprize that Mr. Farhill ſhould be ſo preſſing to have the fine " of one hundred pounds (meaning the ſaid fine of one hundred " pounds which was ſo by the ſaid laſt-mentioned order ordered " and directed to be levied as aforeſaid), when in our opinion he " ought rather to have joined with the pariſh in praying the " court for a remiſſion of it; the ſaid highway (meaning the ſaid " parts of the ſaid highway which by the ſaid indictment were " ſo alledged to be out of repair as aforeſaid) having been " put in the good and perfect ſtate of repair we find it in, Sir Ed- " ward Blackett, baronet, Egham, Sir Joſeph Mawbey, baronet, " Chertſey (meaning the ſaid Sir Joſeph Mawbey, hereinbefore " mentioned), Major Scott, Egham, David Jebb, eſquire, ditto, " Colonel Axtell, Chertſey, John Webb, eſquire, Binfield, Berks, " G. John Ravenſhaw, eſquire, Eaſt Hampſtead, ditto, Reverend " Mr. Biſſe, Egham, Reverend Mr. Pettingal, Eaſt Hampſtead," with intent to prevent and hinder the execution of the ſaid order laſtly hereinbefore mentioned, and to deter the ſaid Thomas Haverfield from executing the ſame, to the great obſtruction of public juſtice, to the evil example of others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid bill of indictment having been ſo preferred and found againſt the inhabitants of the ſaid pariſh of Windleſham, in the ſaid county of Surry as aforeſaid, and ſuch order as laſt aforeſaid having been ſo thereupon made as aforeſaid, by and at the ſaid court of the ſaid general ſeſſion of oyer and terminer of our ſaid lord the king, holden at Kingſton upon Thames aforeſaid, in and for the ſaid county of Surry, on Thurſday the twenty-firſt day of March, in the thirty-third year aforeſaid, and the ſaid Thomas Haverfield being about to execute the ſaid laſt mentioned order, the ſaid Sir Joſeph Mawbey, James Liptrott, Edward Cooper, and Ralph Leyceſter unlawfully and wickedly contriving and intending to obſtruct and pervert the due courſe of juſtice, and to prevent and hinder the execution of the ſaid laſt mentioned order, afterwards and before the ſaid fine of one hundred pounds, in the ſaid laſt mentioned order mentioned, had been or was paid or levied, to wit, on the ſaid firſt day of May, in the thirty-third year aforeſaid, with force and arms, at the ſaid pariſh of Windle- 9th Count.

ſham, in the ſaid county of Surry, unlawfully did conſpire, combine, confederate, and agree together to obſtruct and hinder the execution of the ſaid laſt-mentioned order by him the ſaid Thomas Haverfield, and to endeavour to deter him the ſaid Thomas Haverfield from executing the ſame; to the great obſtruction of public juſtice, to the evil example of others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: Which ſaid indictment our ſaid lord the king afterwards, for certain reaſons, cauſed to be brought before him to be determined according to the law and cuſtom of England; wherefore the ſheriff of the ſaid county of Surry was commanded that he ſhould not forbear by reaſon of any liberty in his bailiwick, but that he ſhould cauſe them to come to anſwer to our ſaid lord the king, touching and concerning the premiſes aforeſaid; and now (that is to ſay), on Friday next after the octave of Saint Hilary in this ſame term, before our ſaid lord the king at Weſtminſter, came the ſaid Sir Joſeph Mawbey, baronet, James Liptrott, Edward Cooper, and Ralph Leyceſter, by John Ware their clerk in court, and having heard the ſaid indictment read, they ſeverally ſay that they are not guilty thereof, and hereupon they ſeverally put themſelves upon the country, and James Templar, eſquire, coroner and attorney of our lord the king, in the court of our ſaid lord the king, before the king himſelf, who for our ſaid lord the king in his behalf proſecuteth doth the like; therefore let a jury thereupon come, &c.

Removed by *certiorari.*

Plea.

See this caſe reported, 6 T. R. 619.

EXTORTION.

Indictment againſt a conſtable for taking money of a perſon whom he hadapprehended under pretence of getting him diſcharged without any proceedings being had before the juſtice of peace, but did not, &c. &c.

MIDDLESEX, *ſſ.* The jurors for our lord the king upon their oath preſent, that C. O. late of, &c. on, &c. in the year of the reign of our ſovereign lord, &c. at, &c. in, &c. (then and ſtill being one of the peace officers of our ſaid lord the king, called a headborough in and for the pariſh of, &c. in the county aforeſaid), did arreſt and take into his cuſtody one W. S. by virtue and under colour of a warrant of J. G. eſquire, then and ſtill being one of the juſtices of our ſaid lord the king, aſſigned to keep the king's peace, in the county aforeſaid, then and there directed to the conſtables and other his majeſty's officers of the peace of the ſaid county, to take and bring before the ſaid J. G. or ſome other of his majeſty's juſtices of the peace for the ſaid county, the body of the ſaid W. S. to anſwer all ſuch matters and things as on his majeſty's behalf were on oath objected againſt him by J. W. for aſſaulting and beating him and tearing the hair from his head, and the ſaid W. S. ſo being in cuſtody aforeſaid, for the purpoſe aforeſaid, to anſwer the complaint aforeſaid, he the ſaid C. O. fraudulently, unlawfully, and injuriouſly did

did then and there obtain of and from the said W. S. the sum of one shilling of lawful money of Great Britain, of the money of said W. S. upon colour and pretence that he the said C. O. would procure and get the said warrant discharged by one of the justices of the peace of the said lord the king, assigned to keep the king's peace in the county aforesaid, without any proceedings being had before any one justice of the peace for the said county; whereas in truth and in fact, the said C. O. did not procure and get the said warrant discharged, to the great damage of the said W. S. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present that the said C. O. afterwards, to wit, on, &c. in, &c. then being one of the headboroughs of, &c. in, &c. at, &c. in, &c. did take the said W. S. into his custody, by virtue of a certain warrant of J. G. esquire (then being one of justices of the peace of our said lord the king, assigned to keep the king's peace, in and for the said county, and the said W. S. so being in the custody of the said C. O. as aforesaid, he the said C. O. then and there unlawfully and injuriously did obtain of and from the said W. S. the sum of one shilling, of lawful, &c. of the monies of the said W. S. under colour and pretence of discharging the said W. S. out of his custody; and of getting the said warrant discharged, without conveying the said W. S. before any justice of the peace for the said county; whereas, in truth and in fact, the said C. O. did not get the said warrant discharged, to the great damage of the said W. S. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

2d count, stating defendant to be a headborough.

WILTS, ss. The jurors for our lord the king upon their oath present, that Joseph Norton late of H. in the parish of E. K. in the county of W. yeoman, on the twenty-fourth day of September, in the thirty-second year of the reign of our said lord the king, then being one of the bailiffs of the sheriffs of the said county of W. at H. aforesaid, in the said parish and county, by colour of his said office, unlawfully, unjustly, and extorsively did exact, extort, and receive of and from the Rev. John Nainn, clerk, rector of the parish of B. in the said county of W. the sum of one pound seven shillings and eight pence, of lawful money of Great Britain, for a pretended fee of him the said Joseph, for executing a certain writ, which was issued out the thirteenth day of July, in the thirty-first year of the reign of our said lord the king, before the barons of his exchequer, at W. in the said county of M. directed to the sheriff of the said county of W. by which said writ, the said sheriff was commanded among other things to attach the said John by his body, and keep him safely, so that he might have his body before the said barons of the E. at W. in one month after the day of Saint Michael, then next,

Indictment against a bailiff for extorting a fee for an attachment against a rector for non-payment of tenths.

next, to anſwer to our ſaid lord the king for a certain debt which was alledged to be due for tenths from the ſaid John, as rector of B. to our ſaid lord the king: whereas in truth and in fact, no ſuch fee was then due to the ſaid John in that behalf, to the great damage of the ſaid John, to the evil example of all others in like caſe offending, and againſt the peace of our ſovereign lord the king, his crown and dignity (two more counts for extorting two ſeveral ſums of one pound one, and one pound one, ſame as the above.)

FORCIBLE ENTRY.

Record of an indictment for forcible entry preferred at the general quarter ſeſſions of Abergavenny, and of defendant's acquittal.

MONMOUTHSHIRE, to wit: Be it remembered that at the general quarter ſeſſions of the peace of our ſaid lord the king, holden at the town of Abergavenny, in and for the ſaid county of M. on Wedneſday the tenth day of January, in the twenty-ſeventh year of the reign of our ſovereign lord George the Third, by the grace of God, of Great Britain, France and Ireland, king, defender of the faith, &c. before John H. Williams, &c. eſquires, and others, juſtices of our ſaid lord the king, in the county of Monmouth aforeſaid, and alſo aſſigned to hear and determine divers felonies, treſpaſſes, and other miſdemeanors, committed and done in the ſaid county, upon the oath of William Lewis, &c. (name all the grand jury) good and lawful men of the county aforeſaid, then and there ſworn and charged to inquire for our ſaid lord the king, for the body of the ſaid county: It is preſented in manner and form as followeth, that is to ſay, Monmouthſhire, to wit: The jurors of our lord the king upon their oath preſent, that George Williams, late of, &c. on the twenty-firſt day of October, in the twenty-ſeventh year, &c. was poſſeſſed of certain pieces and parcels of land, with the appurtenances, ſituate, lying, and being in the pariſh of M. in the county of M. and being ſo poſſeſſed thereof, one Edmund William Rees, of, &c. afterwards, to wit, on the ſaid twenty-firſt day of October, in the year aforeſaid, with force and arms, and with ſtrong hand, unlawfully did enter; and the ſaid G. W. from the poſſeſſion of the ſaid land, with the appurtenances aforeſaid, then and there, with force and arms, and with ſtrong hand, unlawfully did expel and put out, to the great damage of the ſaid G. W. and againſt the form of the ſtatute in that caſe made and provided: whereupon the ſheriff of the ſaid county of M. is commanded that he cauſe the ſaid E. W. R. to come and anſwer, &c. And afterwards, to wit, at the ſame general quarter ſeſſions of the peace of our ſaid lord the king holden for the county aforeſaid, at A. aforeſaid, on the ſaid tenth day of January, in the year aforeſaid, before the aforeſaid juſtices of

Plea, not guilty.

of our ſaid lord the king, and others their fellows aforeſaid, cometh the ſaid E. W. R. in his own proper perſon, and having heard the ſaid indictment read, the ſaid E. W. R. ſaith that he is not guilty thereof, and concerning thereof he putteth himſelf upon the country, &c.; and A. Morgan, clerk of the peace for the county aforeſaid, who proſecutes for our ſaid lord the king in this behalf, doth the like; therefore let a jury thereupon come before the ſaid juſtices of our ſaid lord the king, at the next general quarter ſeſſions of the peace, to be holden at the town of , in and for the ſaid county of M. by whom the truth of the matter may be better known, and who have no affinity to the ſaid E. W. R. to recognize upon their oath if the ſaid E. W. R. be guilty of the premiſes aforeſaid or not, becauſe as well the ſaid A. Morgan, who proſecutes for our ſaid lord the king in this behalf, as the ſaid E. W. R. have put themſelves upon that jury, the ſame day is given as well to the ſaid A. Morgan, who proſecutes for our ſaid lord the king in this behalf as to the ſaid E. W. R.: at which ſaid next general quarter ſeſſions of the peace, holden at the town of aforeſaid, in and for the ſaid county of M. on Wedneſday the eighteenth day of April, in the twenty-ſeventh year of the reign aforeſaid, and in the ſaid year of Our Lord 1787, before R. S. &c. &c. eſquires, and others, juſtices of our ſaid lord the king in and for the county of M. and alſo aſſigned, &c. cometh as well the ſaid A. Morgan, who proſecutes for our ſaid lord the king in this behalf, as the ſaid E. W. R. in his own proper perſon: And the ſaid jurors of the ſaid jury, by , eſquire, ſheriff of the ſaid county of M. to this manner impannelled and returned, to wit (name the petit jury), being called, come, who being choſen, tried, and ſworn to ſpeak the truth of and upon the premiſes in the indictment aforeſaid above ſpecified, do ſay, upon their oath, that the ſaid E. W. R. is not guilty of the premiſes aforeſaid, in the ſaid indictment aforeſaid above ſpecified, as the ſaid E. W. R. for himſelf above by his plea hath alledged: whereupon it is conſidered by the Court here, that the ſaid E. W. R. of the premiſes aforeſaid, in the indictment aforeſaid above ſpecified be diſcharged, and go thereof without a day. *Drawn by Mr.* GRAHAM.

Venire.

Record of acquittal.

DEVONSHIRE, to wit. Be it remembered, that at the general quarter ſeſſions of the peace of our lord the king, holden at the caſtle of Exon, in and for the county of Devon aforeſaid, the ſixth day of October, in the thirteenth year of the reign of our ſovereign lord George the Third, by the grace of God of Great Britain, &c. and in the year of Our Lord 1773, before James Carrington, clerk, Sir George Younge, baronet, John Baring, Richard Stingle, and James Hamlyn, eſquires, and others their companions, juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king in and for the county aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſaid county, by the oath of twelve

Record of an indictment against defendants, for expelling the plaintiff out of poſſeſſion of his houſe, or a forcible entry at the quarter ſeſſions.

jurors, good and lawful men of the county aforesaid, then and there impanelled, sworn, and charged to enquire for the said lord the king and the body of the said county, it was presented as followeth; that is to say: Devon, to wit. The jurors for our lord the king present, that James Gribble, of the parish of Tiverton, in the county of Devon aforesaid, serge-maker, on the thirtieth day of August, in the thirteenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. was seised in his demesne as of fee of and in five parts (the whole in eight parts to be divided) of a certain messuage, with the appurtenances, called Pall House, situate, lying, and being in the parish of Tiverton aforesaid, in the county aforesaid; and being so seised thereof, Henry Finch, late of, &c. in, &c. carpenter, Samuel Turner, late of the same place, miller, George Roffiter, late of the same, miller, John Storke, late of the same, woolcomber, James Peard, late of the same, woolcomber, James Hatsell, late of the same, baker, John Drew, late of the same, &c. &c. &c. afterwards, to wit, on the thirtieth day of August, in the year aforesaid, into the said five parts in eight of the said messuage, with the appurtenances aforesaid, situate in the parish of Tiverton aforesaid, with force and arms, and with strong hand, unlawfully did enter, and the said James Gribble from the peaceable possession of the said five parts in eight of the said messuage, with the appurtenances, then and there, with force and arms, and with strong hand, unlawfully did expel and put out; and the said James Gribble from the peaceable possession thereof so as aforesaid, with force and arms and with strong hand, being unlawfully expelled and put out, the said Henry Finch, &c. him the said James Gribble from the aforesaid thirtieth day of August, in the year aforesaid, until the day of the taking of this inquisition, from the possession of the said five parts in eight of the said messuage, with the appurtenances aforesaid, with force and arms, and with strong hand, unlawfully and injuriously then and there did keep out, and still do keep out, to the great damage of the said James Gribble, and against the form of the statute in that case made and provided.

Indictment for a forcible entry at the quarter sessions.

See plea in abatement of the jurisdiction to this indictment, and demurrer and joinder thereto, Vol. I. p. 18.

PLEAS before our lord the king at Westminster of Trinity Term, in the twenty-sixth and twenty-seventh years of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth. ROLL.

Amongst the pleas of the king.

SOME time ago, that is to say, on Thursday in the week next after the feast of the Epiphany of Our Lord, to wit, the eleventh day of January, in the twenty-sixth year of the reign of our

(a) Record of an indictment at the quarter sessions for a riot.

(a) This is an indictment for a *riot*: see INDEX, under that head.

sovereign

sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. at the general quarter sessions of the peace of our lord the king, holden at Maidstone, in and for the county of Kent, before William Horsmonden Turner, esquire, the honourable Robert Fairfax, esquire, Sir Narborough D'Aeth, baronet, Abraham Tilghman, William Champneis, James Calder, James Best, and George Hinds, esquires, and others their associates, justices of our said lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the same county, perpetrated upon the oath of twelve jurors, good and lawful men of the said county, then and there impanelled, sworn, and charged to enquire for our said lord the king for the body of the said county, it was presented as followeth, that is to say: Kent, to wit. The jurors for our lord the king, upon their oath, present, that William Jenkins, late of the parish of Harrietsham, in the county of Kent, lime burner, Peter Simmonds, late of the same, labourer, Robert Till, late of the same, labourer, William Pottin, late of the same, thatcher, and William Crittenden, late of the parish of Lenham, in the said county of Kent, lime-burner, together with divers other persons to the jurors aforesaid as yet unknown, being rioters, routers, and disturbers of the peace of our said lord the king, on the eighteenth day of December, in the twenty-sixth year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. with force and arms, that is to say, with sticks, staves, and other offensive weapons, at the parish of Harrietsham aforesaid, in the county aforesaid, unlawfully, riotously, and routously did assemble and gather together to disturb the peace of our said lord the king; and being so assembled and gathered together, one building, lodge, and outhouse, in the possession of George Manger, of Harrietsham aforesaid, yeoman, then and there unlawfully, riotously, and routously did pull down, remove, break, destroy, and other wrongs to the said George Manger then and there unlawfully, riotously, and routously did, to the great damage of the said George Manger, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Jenkins, Peter Simmonds, Robert Till, William Potten, and William Crittenden, together with divers other persons to the jurors aforesaid as yet unknown, on the said eighteenth day of September, in the year aforesaid, with force and arms, that is to say, with sticks, staves, and other offensive weapons, at the parish aforesaid, in the county aforesaid, unlawfully, riotously, and routously did assemble and gather together to disturb the peace of our said lord the king; and being so assembled and gathered together, did then and there unlawfully, riotously, and routously remain and continue armed as aforesaid in a tumultuous manner, for the space of six hours, to the great disturbance and terror of divers of his majesty's subjects,

Indictment.

and against the peace of our said lord the king, his crown and dignity: which said indictment our said present sovereign lord the king afterwards, for certain reasons, caused to be brought before him, to be determined according to the law and custom of England: wherefore the sheriff of the said county of Kent was commanded, that he should not forbear by reason of any liberty in his bailiwick, but that he should cause them to come to answer to our said present sovereign lord the king touching and concerning the premises aforesaid: and now, that is to say, on Friday next after the morrow of the Holy Trinity in this same term, before our said present sovereign lord the king at Westminster, come the said William Jenkins, Peter Simmonds, Robert Till, William Potten, and William Cruttenden, by John Wace their attorney; and having heard the said indictment read, they severally say, that they are not guilty thereof; and hereupon they severally put themselves upon the country, and James Burrow, esquire, coroner and attorney of our said present sovereign lord the king, in the court of our said present sovereign lord the king before the king himself, who for our said present sovereign lord the king in this behalf prosecuteth, doth the like.

PROCEEDINGS IN A FORCIBLE ENTRY.

Precept by a justice of the peace for bringing the person recorded before him.

CUMBERLAND. I, &c. Fletcher Partis, esquire, one of the justices of our said lord the king assigned to keep the peace of our said lord the king in the county of Cumberland, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, to the sheriff of Cumberland greeting: Whereas complaint hath been made to me that Henry Forster, late of the parish of Stapleton, otherwise Stabledon, in the said county, gentleman, and W. Frezer, otherwise Frazer, late of the same place, yeoman, on the nineteenth day of December now last past, with force and arms, and with strong hand, did unlawfully enter into, and make forcible entry into three messuages, three hundred acres of land, one hundred acres of meadow, five hundred acres of pasture, two hundred acres of moss, and three hundred acres of heath, with the appurtenances, in the parish of Stapleton, otherwise Stabledon aforesaid, whereof John Holme, late of the city of Carlisle, in the said county, gentleman, was then seised in his demesne as of fee, against the form of the statute in such case made and provided: therefore, on the behalf of our said lord the king, I do command you, that you immediately cause to come before me, at the house of M. S. known by the name or sign of the White Swan, situate at Cockermouth, in the said county of Cumberland, twenty-four sufficient and indifferent persons, dwelling near about the said tenements so forcibly entered into as aforesaid, every man of whom shall have lands or tenements of the yearly value of forty shillings by the year at the least, above reprizes to enquire upon their oaths for our said lord the king of and concerning the said forcible

The jury are to be freeholders, and to make inquisition.

forcible entry so made as aforesaid; and have you there then the names of the jurors of this precept. Given under my hand and seal, the second day of January, in the thirty-first year of the reign of our sovereign lord George the Second, and in the year of Our Lord 1758.

Cumberland. An inquisition for our sovereign lord the king indented, taken on Monday the second day of January, in the thirty-first year of the reign of our sovereign lord the king, at the house of Margaret Stephenson, widow, known by the name or sign of the White Swan, situate in Cockermouth, in the said county, before Fletcher Partis, esquire, one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors, committed within the same county, by virtue of a certain act of parliament of the lord Henry the Sixth, late king of England, at a session thereof holden at Westminster, in the eighth year of the reign, touching the duty of justices of the peace where land is entered upon or determined with force, by the oath of F. A. &c. twelve good and lawful men of the said county, who being sworn and charged upon their oath say, that John Holme, late of the city of Carlisle, in the said county, gentleman, on the nineteenth day of December, in the said thirty-first year of the reign of our sovereign lord the present king, was seised in his demesne as of fee of and in three messuages, three hundred acres of land, one hundred acres of meadow, five hundred acres of pasture, two hundred acres of moss, and three hundred acres of heath, with the appurtenances, in the parish of Stapleton, otherwise Stabledon, in the said county of Cumberland; and that whilst the said John was seised thereof, on the same nineteenth day of December, in the thirty-first year aforesaid, one Henry Foster, late of the parish of Stapleton, otherwise, &c. aforesaid, gentleman, and one William Frezer, otherwise Frazer, late of the same place, yeoman, with force and arms, with guns, pistols, swords, clubs, and other offensive weapons, and with strong hands, did make a forcibly entry into the said tenements and premises, with the appurtenances, then being in the seisin and possession of the said John Holme, and did then and there, with force and arms and with strong hand, unlawfully disseise the said J. Holme thereof, and then and there, with force and arms and with strong hand, did unlawfully expel and eject, and him the said John Holme so disseised, expelled, and ejected of and from the said tenements and premises, from the aforesaid nineteenth day of December, in the thirtieth year aforesaid, until the day of taking this inquisition, with force and arms and with strong hand, unlawfully detained and kept out, and still do detain and keep out from the same tenements and premises, with the appurtenances, in contempt of our said present sovereign lord the king, against the peace of our said lord the king, his crown and

Inquisition.

and dignity, and againſt the form of the ſtatute in that caſe made and provided.

We whoſe names are hereunto ſet, being the jurors above-mentioned, do, upon the evidence now produced before us, find the inquiſition aforeſaid to be true.

Inquiſition may be taken in any part of the county. The jury ought to be from the neighbourhood of the place where the eſtate lies, but will be good though they come from other places in the ſame county.

8. Hen. 6. c. 9. The inquiſition ſhould be regularly taken before ſome juſtice in the neighbourhood, but will be good though taken before any other juſtice in the county: the juſtice, however, that lives near the place may be compelled to take it, or would be liable to an information if he refuſes.

Notice.

Whereas by an inquiſition taken before me, one of his majeſty's juſtices of the peace in and for the county of Cumberland, held this day at the houſe of Margaret Stephenſon, widow, known by the name or ſign of the White Swan, ſituate at Cockermouth, it was found, that you, on the nineteenth day of December now laſt paſt, with force and arms and with ſtrong hand did enter into, and make forcible entry into three meſſuages, three hundred acres of land, one hundred acres of meadow, five hundred acres of paſture, two hundred acres of moſs, and three hundred acres of heath, with the appurtenances, in the pariſh of Stapleton, otherwiſe, &c. in the ſaid county, whereof John Holme, gentleman, was then ſeiſed in his demeſne as of fee, and did then and there, with force and arms and with ſtrong hand, unlawfully diſperſe and expel the ſaid John Holme of and from the ſaid tenements then being in his poſſeſſion, and him ſo diſperſed and expelled did from thence until the day of taking the ſaid inquiſition, with force and arms and with ſtrong hand, detains and keeps out from the ſaid tenements, againſt the form of the ſtatute in ſuch caſe made and provided: you are therefore hereby required to be and appear before me at the houſe of the ſaid Margaret Stephenſon, on Friday, the ſixth day of this inſtant, January, between the hours of nine and eleven of the clock of the forenoon of the ſame day, to ſhew cauſe if you can, why reſtitution of the ſaid tenements ſhould not be made to the ſaid John Holme, according to the form of the ſtatute in ſuch caſe made and provided. Dated the ſecond day of January 1758.

To Henry Forſter
and
William Frezer, otherwiſe Frazer.

Warrant of reſtitution.

Cumberland. Fletcher Partis, eſquire, one of the juſtices of our ſovereign lord the king aforeſaid to keep the peace of our ſaid lord the king in the ſaid county of Cumberland, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed within the ſame county, to the ſheriff of Cumberland, greeting: Whereas by an inquiſition indented, taken before me the ſaid Fletcher Partis, on Monday, the ſecond day of this inſtant, in

in the thirty-first year of his present majesty's reign, at the house of Margaret Stephenson, widow, known by the name or sign of the White Swan, situate in Cockermouth, in the said county, by virtue of a certain act of parliament made in the parliament of the lord Henry the Sixth, late king of England, at a session thereof holden at Westminster, in the eighth year of his reign, touching the duty of justices of the peace where lands is entered upon or detained with force, by the oath of A. B. C. &c. twelve good and lawful men of the said county, it was found, that John Holme, late of the city of Carlisle, in the said county, gentleman, on the nineteenth day of December, in the thirty-first year of the reign of our sovereign lord the present king, was seised in his demesne as of fee of and in three messuages, three hundred acres of land, one hundred acres of meadow, five hundred acres of pasture, two hundred acres of moss, and three hundred acres of heath, with the appurtenances, in the parish of Stapleton, otherwise Stabledon, in the said county of Cumberland; and that whilst the said John Holme was so seised thereof, on the same nineteenth day of December, in the said thirty-first year aforesaid, one Henry Forster, late of the parish of Stapleton, otherwise Stabledon, aforesaid, gentleman, and one William Frezer, otherwise Frazer, late of the same place, yeoman, with force and arms, with guns, pistols, swords, clubs, and other offensive weapons, and with strong hand, did make forcible entry into the said tenements and premises, with the appurtenances, then being in the said seisin and possession of the said John Holme, and did then and there, with force and arms and with strong hand, unlawfully dispossess the said John Holme thereof, and him the said John Holme from his possession thereof, then and there, with force and arms and with strong hand, did unlawfully expel and eject, and him the said John Holme so dispossessed, expelled, and ejected, of and from the said tenements and premises, from the aforesaid nineteenth day of December, in the thirty-first year aforesaid, until the day of taking this inquisition, with force and arms and with strong hand, unlawfully detained and kept out, and at the time of taking that inquisition did still detain and keep out from the same tenements and premises, with the appurtenances, as by the inquisition aforesaid more fully appeareth of record: therefore on the behalf of our sovereign lord the king I charge and command you, that taking with you the power of the county, if it be needful, you go to the said several tenements and premises, and cause the same, with the appurtenances, to be reseised, and that you cause the said John Holme to be restored, and put into his full possession thereof, according to the form of the statute in such case made and provided; and this you shall in nowise omit, on the penalty thereon incumbent. Given under my hand and seal, the sixth day of January 1758.

JOS. YATES.
J. WALLACE.

The statute 8. Hen. 6. c. 9. not only empowers a justice of the peace, upon a complaint made to him upon a forcible entry on lands and tenements, or of a forcible detainer after a peaceable entry by the disseisee, to try the truth of the complaint, but also in case of force, found by a jury summoned by the sheriff,

restore the possession to the party so put out, either by himself or his precept, or warrant to the sheriff; and in such case the offender shall forfeit, for the force found, treble damage to the party grieved, and make fine and restitution to the king.

GAMING-HOUSES.

Indictment against a person for keeping a gaming-house and an E O table.

MIDDLESEX, to wit. The jurors for, &c. upon, &c. present, that William Weller, late of, &c. in, &c. coal-merchant, being an idle and evil-disposed person, and not minding to gain his living by honest labour, on, &c. in the twenty-second year, &c. and on divers other days and times between that day and the day of the taking of this inquisition, with force and arms, at, &c. in, &c. a certain common gaming-house there situate, for his lucre and gain, unlawfully and injuriously did keep and maintain, and in the same common gaming-house, on, &c. in the twenty-second year, &c. and on the said divers other days and times there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to frequent and come together to game and play, and the said idle and ill-disposed persons to be and remain in the said common gaming-house, and to game and play together, on, &c. in, &c. and on the said other days and times there did unlawfully and injuriously procure, permit, and suffer, by means whereof divers noises, disturbances, and breaches of the peace of our said lord the king, then and on the said other days and times were there occasioned and committed, to the great encouragement of idleness and dissipation, to the great damage and common nuisance of all the liege subjects of our said lord the king, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Weller, being, &c. and not minding, &c. on, &c. in the twenty-third year, &c. and on divers, &c. with force and arms, at, &c. in, &c. a certain common gaming-room in a certain house there situate, for his lucre and gain, unlawfully and injuriously did keep and maintain, and in the said common gaming-room, on, &c. in the year aforesaid, and on divers other days and times, then and there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to frequent and come together, to game and play together, on, &c. in, &c.; and on the said divers other days and times there unlawfully and injuriously procure, permit, and suffer; by means whereof divers noises, &c. &c. (conclude as before): And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Weller, being such idle, &c. and not minding, &c. on, &c. in the year aforesaid, and on divers other days, &c. with force and arms, at, &c. in, &c. a certain common gaming-house, there situate, for his lucre and gain, unlawfully and injuriously did keep and maintain, and in the said last-mentioned gaming-house, a certain common

2d count, for lucre and gain.

3d count, several persons unknown to play at E O.

gaming-table, called an E O table, for the use and purpose of divers idle and ill-disposed persons, whose names to the jurors aforesaid are yet unknown, to resort and frequent, and come together to play at a certain unlawful game called E O there, to wit, on, &c. in the year aforesaid, and on the said other days and times, there unlawfully and injuriously did cause and procure divers idle, &c. at and with the said common gaming-table, at the aforesaid unlawful game called E O, then and there, to wit, on, &c. in, &c. and on the said divers other days and times, at, &c. in, &c. did unlawfully and injuriously procure, permit, and suffer, to the great encouragement of idleness, &c. (as before): And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Weller, being, &c. and not minding, &c. on, &c. in, &c. and on divers other days, &c. with force and arms, at, &c. in, &c. a certain other common gaming-room, in a certain other house there situate, for his lucre and gain, unlawfully and injuriously did keep and maintain, and in the said last-mentioned common gaming-room a certain other common gaming-table, called an E O table, for the use and purpose of divers idle, &c. at a certain game called E O, then, to wit, on, &c. in the year aforesaid, and on the said divers other days and times, there unlawfully and injuriously did keep and have, and in the said last-mentioned common gaming-room, on, &c. in the year aforesaid, and on the said divers other days and times, there unlawfully and injuriously did cause and procure divers idle, &c. to frequent and come together to game and play at and with the said last-mentioned common gaming-table, at the aforesaid game called E O, and the said idle, &c. to be and remain in the said last-mentioned common gaming-room, and to game and play together at and with the said last-mentioned gaming-table, at the aforesaid game called E O, then and there, to wit, on, &c. in, &c. and on the said divers other days and times, at, &c. in, &c. unlawfully and injuriously procure, permit, and suffer, to the great encouragement, &c. &c. 4th count.

HIGHWAYS.

CUMBERLAND, *ss.* The jurors for our sovereign lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, there was and has been a certain common and ancient king's highway, leading from a certain village called Blackhall, in the said county of Cumberland, into a certain lane called Saint Cuthbert's Lane, in the parish of Saint Cuthbert, in the city of Carlisle, in the said county, for all the liege subjects of our said lord the king and his predecessors, kings and queens of this realm, by themselves, and with their horses, coaches, carts, and carriages to go, return, pass, repass, ride, and labour, at their will and pleasure, and that a certain part of the king's highway, containing in length yards, and in breadth feet, and

Indictment against the mayor, &c. of Carlisle, for not repairing a way which they are bound to repair in consideration of tolls.

and lying in a certain ſtreet called Black Friers Street, in the pariſh of Saint Cuthbert aforeſaid, in the city of Carliſle aforeſaid, on the firſt day of October, in the thirtieth year of the reign of our ſovereign lord George the Second, now king of Great Britain, &c. and continually from thence afterwards until the day of the taking of this inquiſition, at the ſaid pariſh, in the ſaid city of Carliſle, and county of Cumberland, was and yet is miry, ruinous, broken, dirty, and in great decay, for want of the due reparation and amendment of the ſame, ſo that the liege ſubjects of our ſaid lord the king through the ſame way, by themſelves, and with the horſes, coaches, carts, and carriages, could not during the time aforeſaid, nor yet can go, paſs, repaſs, ride, and labour, without great danger of their lives and loſs of their goods, to the great danger and common nuiſance of all the liege ſubjects of our ſaid lord the king through the ſame way going, returning, paſſing, repaſſing, riding, and labouring, and againſt the peace of our lord the king, his crown and dignity: And that the mayor, aldermen, bailiffs, and burgeſſes of the city of Carliſle aforeſaid, by reaſon of their being intitled to and taking and receiving of certain tolls for the paſſage of cattle and loaded carriages through the ſaid city of Carliſle during all the time aforeſaid, the common highway aforeſaid above particularly mentioned and deſcribed (ſo as aforeſaid being in decay) have been accuſtomed to repair and amend, and of right ought to have repaired and amended, and ſtill of right ought to repair and amend, when and as often as occaſion hath required, and hath not done it, &c. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that from time whereof the memory of man is not to the contrary, there was and has been, and yet is a certain other ancient or common king's highway, leading from a certain place called the Market Place, of the city of Carliſle, in the ſaid city, to the town of Wigtoun, in the ſaid county of Cumberland, for all the liege ſubjects of our lord the now king and his predeceſſors, kings and queens of this realm, by themſelves, and with their horſes, coaches, carts, and carriages, to go, return, paſs, repaſs, ride, and labour, at their will and pleaſure, and that certain part of the ſaid laſt-mentioned common highway, containing in length yards, and in breadth feet, and lying, part thereof, in a certain ſtreet called Caſtle Street, in the pariſh of St. Mary, in the city of Carliſle aforeſaid, and the other part thereof in a certain ſtreet called Annet Well Street, in the ſaid laſt-mentioned pariſh and county, on the ſaid firſt day of October, in the thirtieth year of the reign of our lord the now king, and continually from thence aforeſaid until the day of the taking this inquiſition, at the pariſh of St. Mary aforeſaid, in the ſaid city of Carliſle and county, was and yet is very miry, ruinous, broken, dirty, and in great decay, for want of the due reparation and amendment, ſo that the liege ſubjects of our ſaid lord the king through the laſt-mentioned way, by themſelves and with their horſes, coaches, carts, and carriages, could not during the time aforeſaid, nor yet can go, return, paſs, repaſs, ride, and labour, without great danger of their lives and the loſs of their goods, to the great damage and common nuiſance of all the liege

Averment that the corporation ſhould repair, in conſideration of tolls.

2d count, another part of the highway.

subjects of our said lord the king through the same way going, returning, passing, repassing, riding, and labouring, and against the peace of our said lord the king, his crown and dignity; and that the said mayor, aldermen, bailiffs, and citizens of the city of Carlisle, by reason of their being entitled unto, and taking and receiving of certain tolls for the passage of cattle and loaded carriages through the said city of Carlisle during all the time aforesaid, the common highway last aforesaid above particularly mentioned and described (so as aforesaid being in decay), have been accustomed to repair and amend, and of right ought to have repaired and amended, and still of right ought to repair and amend, when and as often as occasion hath required, and have not done it, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof the memory of man is not to the contrary, there was and has been, and yet is a certain other common king's ancient highway, leading from a certain place called the Market Place of the city of Carlisle, in the said city and county, to a certain street called , in the parish of St. Mary, in the city of Carlisle aforesaid, for all the liege subjects of our said lord the now king and his predecessors, the kings and queens of this realm, by themselves, and with their horses, coaches, carts, and carriages, to go, return, pass, repass, ride, and labour, at their will and pleasure, and that a certain part of the said last-mentioned king's common highway, containing in length yards, and in breadth feet, and lying in a certain street called Fisher Street, in the parish of St. Mary aforesaid, in the city of Carlisle aforesaid, in the county of Cumberland aforesaid, on the first day of October, in the thirtieth year of the reign of our said lord the now king, and continually from thence afterwards until the day of taking this inquisition, at the parish of St. Mary aforesaid, in the said city and county, was and is yet very miry, ruinous, broken, and in great decay, for want of the due reparation and amendment of the same, so that the liege subjects of our said lord the king through the same, by themselves, and with their horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can go, return, pass, repass, ride, and labour, without great danger of their lives, and the loss of their goods, to the great damage and common nuisance of all the liege subjects of our said lord the now king through the same going, returning, passing, repassing, riding, and labouring, and against the peace of our lord the king, his crown and dignity; and the said mayor, aldermen, bailiffs, and citizens of the city of Carlisle aforesaid, by reason of their being entitled unto and taking and receiving of certain tolls for the passage of cattle and loaded carriages through the said city of Carlisle, during all the time aforesaid, the common highway last aforesaid above particularly mentioned and described (so as aforesaid being in decay), have been accustomed to repair and amend, and of right, during all that time, ought to have repaired and amended, and still of right ought to repair and amend, when and as often as occasion hath required, and have not done it, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof the

3d count, other part.

4th count, other part.

the memory of man is not to the contrary there was, and has been, and yet is, a certain other ancient and common king's highway, leading from a certain place called the Scotch Gates, in the city of Carliſle aforeſaid, to a certain place called the Citadel, in the ſame city, for all the liege ſubjects of our lord the now king and his predeceſſors, the kings and queens of this realm, by themſelves, and with their horſes, coaches, carts, and carriages, to go, return, paſs, repaſs, ride, and labour, at their will and pleaſure; and that a certain part of the ſaid laſt mentioned king's common highway, containing in length yards, and in breadth feet, lying and being near and adjoining to the walls of the ſaid city of Carliſle, and in the pariſh of Saint Mary aforeſaid, in the ſaid city, on the firſt day of October, in the thirtieth year of the reign of our lord the now king, and continually from thence afterwards until the day of the taking of this inquiſition, at the pariſh of Saint Mary aforeſaid, in the ſaid city and county, was and yet is very miry, ruinous, broken down, and in great decay, for want of the due reparation and amendment of the ſame, ſo that the liege ſubjects of our ſaid lord the king through the ſaid laſt-mentioned way, by themſelves, and with their horſes, coaches, carts, and carriages, could not during the time aforeſaid, nor yet can go, return, paſs, repaſs, ride, and labour, without great danger of their lives and the loſs of their goods, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king through the ſame laſt way going, returning, paſſing, repaſſing, riding, and labouring, and againſt the peace of our ſaid lord the king, his crown and dignity; and that the mayor, aldermen, bailiffs, and citizens of the city of Carliſle aforeſaid, by reaſon of their being intitled unto and taking and receiving of certain tolls for the paſſing of cattle and loaded carriages through the ſaid city of Carliſle during all the time aforeſaid, the common highway aforeſaid above particularly mentioned and deſcribed, ſo as aforeſaid being in decay, have been accuſtomed to repair and amend, and of right ought to have repaired and amended, and ſtill of right ought to repair and amend, when and as often as occaſion hath required, and have not done it, &c.

Indictment againſt the townſhip for not repairing road.

REX *againſt* TOWNSHIP OF TROWBRIDGE. } LANCASHIRE, to wit. The jurors of our lord the king upon their oath preſent, that from time whereof the memory of man is not to the contrary, there was and yet is a king's common highway leading from the market-town of Colne, in the ſaid county, towards and into the market-town of Skipton, in the county of York, uſed for all the liege ſubjects of our ſaid lord the king and of his predeceſſors, with their horſes, coaches, carts, and other carriages to go, return, paſs, repaſs, ride, and labour at their wills and pleaſures; and that a certain part of the ſaid king's common highway ſituate, lying, and being in the townſhip of T. in the county of Lancaſter aforeſaid, *beginning at a certain bridge there called Kirkbridge, and ending at a certain*

a certain place there called Lancaſhire Gill, containingin length two thouſand two hundred yards, and being of the breadth of three yards, on the firſt day of April, in the twenty-fourth year of our ſovereign lord George the Third, by the grace of God, &c. and continually afterwards until the day of the taking this inquiſition, was, and ſtill is in great decay, for the want of due reparation, amendment, and enlargement of the ſame, ſo that the ſubjects of our ſaid lord the king paſſing and travelling through the ſame with their horſes, coaches, carts, and carriages, could not during the time aforeſaid, nor yet can go, return, paſs, repaſs, ride, and labour, without great danger, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king paſſing through the ſame way, and againſt the peace of our ſaid lord the king, his crown and dignity, and that the inhabitants of the ſaid townſhip of T. in the ſaid county of Lancaſter, the common highway aforeſaid (ſo as aforeſaid being in decay), ought and are wont, and time immemorial have been accuſtomed, and now ought to repair and amend, when and ſo often as it ſhall be neceſſary.

Plea, except as to part of the road in decay, that the townſhip at large are not bound to repair.

And A. B. and C. D. two of the inhabitants of the townſhip of T. in the ſaid county of Lancaſter, by E. F. their attorney, come; and having heard the ſaid indictment read to them, on behalf of themſelves and the reſt of the inhabitants of the ſaid townſhip of T. ſay, that they do not apprehend that our ſaid ſovereign lord the king will or ought any further to proſecute or impeach the inhabitants of the ſaid townſhip of T. on account of the premiſes mentioned in the ſaid indictment, except as to ſo much of the ſaid common and ancient king's highway as lies within the ſaid townſhip, beginning at the ſaid bridge called Kirk Bridge, and extending fifty-ſix yards and no more, from the ſaid bridge towards the ſaid place called Lancaſhire Gill, and being of the breadth of three yards, becauſe they ſay, that true it is that the king's common highway in the ſaid indictment mentioned, and being of ſuch length as aforeſaid, was and is in decay, in manner and form as by the ſaid indictment is above alledged; but for plea in this behalf, as to all the ſaid premiſes in the ſaid indictment mentioned, except as to ſo much of the ſaid common and ancient king's highway as lies within the ſaid townſhip, and beginning at the ſaid bridge called Kirk Bridge, and extending fifty-ſix yards and no more, from the ſaid bridge towards the ſaid place called Lancaſhire Gill, and being of the breadth aforeſaid, the ſaid defendants ſay, that the inhabitants at large of the ſaid townſhip of T. in the ſaid county of L. in the common highway aforeſaid (ſo being as aforeſaid in decay), or any part thereof, except ſuch part thereof as lies within the ſaid townſhip, and begins at the ſaid bridge, and extends fifty-ſix yards and no more from the ſaid bridge towards the ſaid place called Lancaſhire Gill, being of the breadth aforeſaid, ought not, nor are wont, nor time immemorial have ever been accuſtomed, nor now ought to repair and amend when and ſo often as is neceſſary, in manner and form as in and by the ſaid indictment is above alledged;

alledged; and of this the ſaid defendants, on behalf of themſelves, and the reſt of the inhabitants of the ſaid townſhip of T. put themſelves upon the country.

The pariſh, of common right, I conceive, ought to repair an highway. Mar. pl. 62. Bent. 90. 193. 189. 256.; and therefore I think this plea good, without ſhewing who ought to repair it. 4 Vin. Mod. 508. pl. 16.

Indictment againſt the pariſh for not repairing, &c.

LANCASHIRE, to wit. The jurors of our ſovereign lord the king, upon their oath preſent, that from time whereof the memory of man is not to the contrary, there was, and yet is a certain common and ancient king's highway, leading from the village of Iva, in the pariſh of Tatham, in the county of Lancaſter, and unto the market town of Settle, in the county of York, and for all the liege ſubjects of our ſaid lord the king and his predeceſſors, with their horſes, coaches, carts, and carriages, to go, return, paſs and repaſs, ride, and labour at their will and pleaſure; and that a certain part of the ſame king's common highway, ſituate, lying, and being in the ſaid pariſh of Tatham, in the county of Lancaſter aforeſaid, beginning at the ſouth-eaſt end of the village of Iva aforeſaid, in the pariſh of Tatham aforeſaid, and ending at the king's highway in the ſame pariſh, leading between the village of Bentham and the market town of Sladeburn, both in the ſaid county of York, near to a certain place in the pariſh of Tatham aforeſaid, called Akenhill-Dub, containing in length four hundred and twenty yards, and in breadth ſix yards, on the firſt day of January, in the twenty-fourth year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. and continually afterwards until the day of taking this inquiſition, at the pariſh of T. aforeſaid, in the ſaid county, was, and yet is very ruinous, miry, deep, broken, and in ſuch decay for want of due reparation and amendment of the ſame, ſo that the liege ſubjects of our ſaid lord the king through the ſame way with their horſes, coaches, carts and carriages, could not during the time aforeſaid, nor yet can go, return, paſs, repaſs, ride and labour, without great danger of their lives, and the loſs of their goods, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the now king through the ſame way going, returning, paſſing, repaſſing, riding, and labouring, and againſt the peace of our ſaid lord the king, his crown and dignity; and that the inhabitants of the ſaid pariſh of Tatham, in the ſaid county of Lancaſter, the common highway as aforeſaid, ſo as aforeſaid being in decay, ought to repair and amend when and ſo often as it ſhall be neceſſary.

Plea by the inhabitants of the pariſh of Tatham, as to part of the road certain perſons ought to repair it, by reaſon of their tenures of certain cattle-gates, and as to the reſidue that the inhabitants ought to repair, and traverſes, the inhabitants being bound.

And William Middleton and William Dixon, two of the inhabitants of the ſaid pariſh of Tatham, for themſelves and the reſt of the inhabitants of the ſaid pariſh, *except the inhabitants of the townſhip of Tatham*, and J. Baines, J. Robinſon, E. Fourett, J. Langſhott, T. Bateſon, W. Middleton, A. Clopham, J. Cert,

J. Clopham, W. Dawbiggin, J. Robinſon, and J. Weatherhead, come, and having heard the ſaid indictment read, ſay, that they do not intend that our ſaid lord the king ſhould further proceed againſt the ſaid inhabitants of the ſaid pariſh of Tatham, or any of them, except the inhabitants of the ſaid townſhip of Tatham, and the ſaid J. Barnes, &c. &c. &c. by reaſon of the premiſes in the ſaid indictment ſpecified, becauſe they ſay that parcel, to wit, five hundred and fifty-five yards in length of the ſaid part of the ſaid highway, in the ſaid indictment mentioned and therein alledged to be ruinous, miry, deep, broken and in decay, is, and from time whereof the memory of man is not to the contrary, hath been ſituate within, and parcel of a certain common and ſtinted paſture called waſte; which ſaid paſture is, and from time whereof, &c. hath been held, occupied, and enjoyed by divers perſons in certain limited ſhares and proportions called cattle-gates, and that the ſaid laſt-mentioned cattle-gates are, and at the time of the taking of the ſaid inquiſition were in the ſeveral tenures and occupations of W. D. J. R. and J. W.; and that other parcel, to wit, two hundred and forty-five yards in length of the ſaid part of the ſaid highway in the ſaid indictment mentioned, and therein alledged to be ruinous, miry, deep, broken, and in decay, adjoins, and from time whereof, &c. hath adjoined to certain lands in the townſhip of Tatham aforeſaid, now in the tenure and occupation of the ſaid W. D.; and that other part, to wit, three hundred yards in length of the ſaid part of the ſaid highway in the ſaid indictment mentioned, and therein alledged to be ruinous, miry, deep, broken, and in decay, is, and from time whereof, &c. hath been ſituate within, and parcel of a certain other common ſtinted paſture, called Low Gill Cow-paſture, which ſaid laſt-mentioned cow-paſture, is, and from time whereof, &c. hath been held, occupied, and enjoyed by divers perſons in certain limited ſhares and proportions, called cattle-gates, and that the ſaid laſt-mentioned cattle-gates are, and at the time of taking the ſaid inquiſition, were in the ſeveral tenures and occupations of T. B. T. L. E. F. J. R. and J. B. and that the reſidue of the ſaid part of the ſaid highway in the ſaid indictment mentioned, and therein alledged to be ruinous, miry, deep, broken, and in decay as aforeſaid, except the ſaid part thereof ſituate within the ſaid moor or waſte called Burn-moor, ought to be repaired by the ſaid J. B. J. R. C. F. J. L. T. B. W. M. A. C. J. C. J. C. W. D. J. R. and J. W. in the reſpective parts and proportions following, that is to ſay, as for and concerning the ſaid part of the ſaid highway adjoining to the aforeſaid lands in the tenure or occupation of the ſaid W. D. he the ſaid W. D. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway ſituate within the ſaid paſture called Low Gill Cow-paſture, the ſaid W. M. A. C. J. C. and J. C. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway adjoining to the ſaid lands in the tenure or occupation of T. B. he the ſaid T. B. ought to repair the ſame; and as for and concerning the ſaid part of the

ſaid highway adjoining to the aforeſaid lands in the tenure or occupation of the ſaid J. L. he the ſaid J. L. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway adjoining to the aforeſaid lands of the ſaid E. F. he the ſaid E. F. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway adjoining to the aforeſaid lands of the ſaid J. R. he the ſaid J. R. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway adjoining to the ſaid land of the ſaid J. B. he the ſaid J. B. ought to repair the ſame: which ſaid ſeveral and reſpective laſt-mentioned parts and proportions of the ſaid part of the ſaid highway ſo alledged to be ruinous, miry, deep, broken, and in decay as aforeſaid, they the ſaid J. B. (as at firſt) ought reſpectively to repair and amend as aforeſaid, by reaſon of their reſpective tenures of the ſaid reſpective cattle-gates and lands reſpectively, as all thoſe who held the ſame reſpective cattle-gates and lands, ought and were wont to do, from time whereof the memory of man is not to the contrary; and as for and concerning the ſaid reſidue of the ſaid part of the ſaid highway in the ſaid indictment mentioned, and therein alledged to be in decay as aforeſaid, ſituate within the ſaid waſte or moor, called Burn Moor, the inhabitants of the ſaid *town̄ſhip of Tatham*, from time whereof the memory of man is not to the contrary, have repaired and maintained, and have been uſed and accuſtomed to repair, and ſtill of right ought to repair and amend the ſame, when and as often as occaſion hath required. Without this, that the inhabitants of the ſaid pariſh of Tatham, in the ſaid county of Lancaſter, ought to repair and amend the ſaid common highway, ſo as aforeſaid being in decay, when and as often as it ſhall be neceſſary in manner and form aforeſaid, as by the indictment aforeſaid is above ſuppoſed; and this the above-named W. M. and W. D. for themſelves and the reſt of the inhabitants of the ſaid pariſh of Tatham (except as before excepted), are ready to verify: Wherefore they pray judgment of the court here, and that they may be diſmiſſed and diſcharged of the premiſes in the ſaid indictment above ſpecified.

A. CHAMBRE.

Inſtructions for Replication.

THE townſhip of *Tatham, with Treby*, is very extenſive, and even more ſo than the pariſh of Tatham; and there is no ſuch townſhip as Tatham. The townſhip of Tatham, with Treby, is divided into three diviſions, for the repair of their highways; and there are three ſurveyors appointed, viz. one for the higher end of Tatham, another for the lower end of Tatham, and another for the diviſion of Treby; and they each of them act for their own diviſions only, and the inhabitants of the townſhip of Tatham, with Treby, are only ſubject to the repair of the highways within their reſpective diviſions, and have never been uſed to pay or contribute to the repair of the highways out of their own diviſion; and the highway indicted lay within the diviſion of the upper end of Tatham. There was an indictment preferred about three or four years ago by ſome of the land-holders, adjoining to ſome part of the highway, indicted againſt the inhabitants of the townſhip of

Tatham

Tatham, with Treby, for not repairing that road; which was traverſed, and the ſame came on to be tried at the quarter ſeſſions: But it appeared upon the trial, that the highway indicted lay within the diviſion of the upper end of Tatham; and no proof being made that any part of the way indicted had ever been repaired by the townſhip of Tatham, with Treby, the indictment was quaſhed.—And it is preſumed the preſent plea is a bad one: Firſt, becauſe there is no ſuch townſhip as the townſhip of Tatham; and, ſecondly, becauſe if the pariſh of Tatham is not liable to the repair of that part of the highway indicted, which lies upon the waſte called Burn Moor, then it will fall upon the inhabitants of the diviſion of the upper end of Tatham to repair, and not to the inhabitants at large.

Replication that the inhabitants of the pariſh ought to repair, and traverſing that ſuch perſons are bound to repair by reaſon of their tenure.

And A. B. clerk of the peace of the ſaid county of Lancaſter, preſent here in court, who proſecutes for our ſaid lord the king in this behalf, as to the ſaid plea of the ſaid William Middleton and William Dixon, two of the inhabitants of the ſaid pariſh of Tatham, for themſelves and the reſt of the inhabitants of the ſaid pariſh, except the inhabitants of Tatham and the ſaid J. Baines, &c. above pleaded, ſaith, that notwithſtanding what has been above alledged by the ſaid W. M. and W. D. for themſelves and the reſt of the inhabitants of the ſaid pariſh of Tatham, except, &c. in the plea above pleaded, they the ſaid inhabitants of the ſaid pariſh of Tatham, ought not to be diſcharged or diſmiſſed from the ſaid indictment, becauſe proteſting againſt, and not admitting any thing in the ſaid plea contained; proteſting alſo, that there is not any ſuch townſhip as the townſhip of Tatham in that plea alledged for replication; nevertheleſs in this behalf the ſaid A. B. who proſecutes for our ſaid lord the king in this behalf as before, ſays that the ſaid inhabitants of the ſaid pariſh of Tatham ought to repair and amend the ſaid common highway, ſo as aforeſaid being in decay, when and ſo often as it ſhall be neceſſary, in manner and form as by the ſaid indictment is above ſuppoſed, without this that the ſaid part of the ſaid highway in the ſaid indictment mentioned, and therein alledged to be ruinous, miry, deep, broken, and in decay as aforeſaid, except the ſaid part thereof ſituate within the ſaid waſte or moor called Burn Moor, ought to be repaired by the ſaid Joſhua Barnes, &c. in the reſpective parts and proportions following, that is to ſay, as for and concerning the ſaid part of the ſaid highway ſituate within the ſaid paſture called the Waſte, the ſaid W. D. T. R. and J. W. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway adjoining to the aforeſaid lands, in the tenure or occupation of the ſaid W. D. he the ſaid W. D. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway, ſituate within the ſaid paſture called Low Gill Cow-paſture, the ſaid W. M. A. C. J. C. and J. C. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway adjoining to the aforeſaid lands in the tenure or occupation of the ſaid J. B. he the ſaid J. B. ought to repair the ſame; and as for and concerning the ſaid

part of the ſaid highway adjoining to the aforeſaid lands in the tenure or occupation of the ſaid J. L. he the ſaid J. L. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway adjoining to the aforeſaid lands of the ſaid C. F. he the ſaid C. F. ought to repair the ſame; and as for and concerning the ſaid part of the ſaid highway adjoining to the aforeſaid lands of the ſaid J. R. he the ſaid J. R. ought to repair the ſame; and as for and concerning the ſaid highway adjoining to the lands of the ſaid J. Barnes, he the ſaid J. B. ought to repair the ſame; which ſaid ſeveral and reſpective laſt-mentioned parts and proportions of the ſaid part of the ſaid highway ſo alledged to be ruinous, miry, deep, broken, and in decay as aforeſaid, they the ſaid J. B. &c. ought reſpectively to repair and amend as aforeſaid, by reaſon of their reſpective tenures of their ſaid reſpective cattle-gates and lands reſpectively, as all thoſe who held the ſame cattle-gates and lands reſpectively ought and were wont to do, from time whereof, &c.; and as for and concerning the reſidue of the ſaid part of the ſaid highway in the ſaid indictment mentioned, and therein alledged to be in decay as aforeſaid, ſituate within the ſaid waſte or moor called Burn Moor, the inhabitants of the ſaid townſhip of Tatham, from time whereof, &c. have repaired and maintained, and have uſed and been accuſtomed to repair and amend, and ſtill of right ought to repair and maintain the ſame, when and ſo often as occaſion hath required, as the ſaid W. M. and W. D. have in that plea alledged; and this the ſaid A. B. who proſecutes for our ſaid lord the king in this behalf is ready to verify: wherefore on behalf of our ſaid lord the king he prays judgment, and that the inhabitants of the ſaid townſhip of Tatham may be convicted of the premiſes in the ſaid indictment above ſpecified. GEO. WOOD.

I think the indictment ſhould not have been againſt the pariſh at large, but againſt the diviſion of the upper end of Tatham, as the inſtructions ſtate, that the road indicted lies within that diviſion, which diviſion maintains its own roads; however, upon this indictment and plea it is incumbent on the defendants to prove their plea as pleaded; and therefore unleſs the particular inhabitants and occupiers mentioned in the plea are bound to repair, the judgment, I think, muſt be againſt the pariſh, even though it ſhould appear that the diviſion of Upper Tatham was bound to the repairs. —I doubt much whether the miſtake in the name of the townſhip will be a good objection, as I preſume it may be commonly called as well by the general name of Tatham as by the name of Tatham, with Treby; but if it be a good objection, I think the proſecutor may avail himſelf of it on the trial of the traverſe, it being in iſſue whether the inhabitants of the townſhip of Tatham are bound to repair, which neceſſarily involves in it the queſtion, whether there be ſuch a townſhip or not. GEO. WOOD.

Plea to an indictment againſt a townſhip for not repairing a highway, that the reſpective owners and occupiers of certain cloſes near the highway have been accuſtomed to repair,

REX
againſt
INHABITANTS OF THE TOWNSHIP OF OWSTON.

AND defendant one of the inhabitants of the ſaid townſhip of O. in the county of Lincoln, by A. B. his attorney, comes, and having heard the ſaid indictment read to him on behalf of himſelf and the reſt of

the

the inhabitants of Owſton and Kindall-ferry, and the ſeveral perſons hereinafter mentioned, ſay, that he does not intend that our ſovereign lord the king will or ought any further to proſecute or impeach any of the inhabitants of the ſaid townſhip of O. and Kindall-ferry, except the ſeveral perſons hereinafter mentioned, on account of the premiſes mentioned in the ſaid indictment, becauſe he ſays, that the ſaid firſt-mentioned part of the king's common highway, in the ſaid indictment mentioned and deſcribed, contains in length yards and no more, and that the ſaid laſt-mentioned part of the king's common highway contains in length yards and no more, and that true it is that both the ſaid parts of of the ſaid king's common highway, in the ſaid indictment mentioned, and being of ſuch length as aforeſaid, were and are in decay, in manner and form as in and by the ſaid indictment is above alledged; but for plea on this behalf the ſaid defendant ſays that from time whereof the memory of man is not to the contrary, the owners and occupiers of certain cloſes of land called , lying and being in the townſhip of O. and K. aforeſaid, and near to the firſt-mentioned part of the ſaid highway, ſo being in decay as aforeſaid, and now in the poſſeſſion and occupation of E. S. widow, have repaired and amended, and have been uſed and accuſtomed to repair and amend, and during all the time aforeſaid of right ought to have repaired and amended, and ſtill of right ought to repair and amend a certain part of the ſaid firſt-mentioned part of the ſaid highway, ſo being in decay as aforeſaid, that is to ſay, - yards thereof in length, and the whole breadth thereof, when and ſo often as need hath required, or ſhall require, by reaſon of their tenure of ſuch land called , lying and being in the townſhip of O. and K. aforeſaid, and near to the ſaid firſt-mentioned part of the ſaid highway, ſo being in decay as aforeſaid, and now in the poſſeſſion and occupation of one W. H. from time whereof the memory of man is not to the contrary, have repaired and amended, and have been uſed and accuſtomed to repair and amend, and during all the time aforeſaid of right ought to have repaired and amended, and ſtill of right ought to repair and amend a certain part of the ſaid firſt-mentioned part of the ſaid highway, ſo being in decay as aforeſaid, that is to ſay, yards thereof in length, and the whole breadth thereof, when and ſo often as need hath required, or ſhall require, by reaſon of their tenure of ſuch land, and that the owners and occupiers of a certain other cloſe of land called , lying and being in the townſhip of O. and K. aforeſaid, and near to the ſaid firſt-mentioned part of the ſaid highway, ſo being in decay as aforeſaid, and now in the poſſeſſion and occupation of one T. W. from time whereof the memory of man is not to the contrary, have repaired and amended, and have been uſed and accuſtomed to repair and amend, and ſtill of right ought to repair and amend a certain part of the ſaid firſt-mentioned part of the ſaid highway, ſo being in decay as aforeſaid, that is to ſay, yards thereof in length, and the whole breadth thereof, when and ſo often as need hath

required or ſhall require, by reaſon of their tenure of ſuch land; and that the owners and occupiers of a certain other cloſe of land called , lying and being in the townſhip of O. and K. aforeſaid, near to the ſaid laſt-mentioned part of the ſaid highway in the ſaid indictment mentioned, ſo being in decay as aforeſaid, and now in the poſſeſſion and occupation of one S. S. from time whereof the memory of man is not to the contrary, have repaired and amended, and have been uſed and accuſtomed to repair and amend, and during all the time aforeſaid of right ought to have repaired and amended, and ſtill of right ought to repair and amend a certain part of the ſaid highway, ſo being in decay as aforeſaid, that is to ſay, yards in length, and the whole breadth thereof, when and ſo often as need has required or ſhall require, by reaſon of their tenure of ſuch lands; and that the owners or occupiers of a certain other cloſe of land called , lying and being in the townſhip of O. and K. aforeſaid, and near to the ſaid laſt-mentioned part of the ſaid highway in the ſaid indictment mentioned, ſo being in decay as aforeſaid, and now in the poſſeſſion and occupation of one A. B. from time whereof the memory of man is not to the contrary, have repaired and amended, and have been uſed and accuſtomed to repair and amend, and during all the time aforeſaid of right ought to have repaired and amended, and ſtill of right ought to repair and amend a certain part of the ſaid highway, ſo being in decay as aforeſaid, that is to ſay, yards thereof in length, and the whole breadth thereof, when and ſo often as need hath required, or ſhall require, by reaſon of their tenure of ſuch land; and this the ſaid defendant, one of the inhabitants of the ſaid townſhip of O. and K. aforeſaid, except as before is excepted, is ready to verify; wherefore on behalf of himſelf and the reſt of the inhabitants of the ſaid town of O. and K. except as aforeſaid, he prays judgment, and that the inhabitants of the ſaid town of O. and K. except as aforeſaid, may be diſcharged of the ſaid premiſes in the ſaid indictment mentioned, and diſmiſſed therefrom by the court.

Replication that the townſhip have been accuſtomed to repair and ought to repair the highway, and that the owners and occupiers of the ſaid cloſes have not been accuſtomed to repair it, and iſſue.

And Robert Chapman, eſquire, who proſecutes for our ſovereign lord the king in this caſe, having heard the plea of the ſaid defendant on the behalf aforeſaid, by him pleaded, the ſaid R. C. for our ſovereign lord the king, ſaith, that he ought not to be barred from proſecuting the ſaid indictment, by reaſon of any thing in the ſaid plea above alledged, becauſe proteſting that he doth not acknowledge the ſaid plea, in manner and form aforeſaid pleaded, or any thing therein contained to be true, or in law ſufficient in this reſpect for replication thereto, he ſaith, that the inhabitants of the ſaid townſhip of O. and K. aforeſaid, from time whereof the memory of man is not to the contrary, have repaired and amended, and have been uſed and accuſtomed to repair and amend, and during all the time aforeſaid, of right ought to have repaired and amended, and ſtill of right ought to repair and amend the common highway aforeſaid, ſo as aforeſaid being in decay, when and ſo often as it hath been or ſhall be neceſſary, and that from time whereof

whereof the memory of man is not to the contrary, the respective owners and occupiers of the five several closes of land, lying in the township of O. and K. aforesaid, in the said plea in that behalf described and specified, have not severally repaired and amended, nor have been used and accustomed severally to repair and amend, nor still of right ought severally to repair and amend the respective parts of the said highway, so being in decay, which is and by the said plea are in that behalf respectively assigned and specified, when and so often as need hath required or shall require by reason of the respective tenure of their said several lands in manner and form by and in the said plea alledged; and this he prays may be inquired of by the country, and the defendant on the behalf of himself and the rest of the inhabitants of the townships of O. and K. except as in the said plea above-mentioned, doth so likewise.

G. Wood.

Plea to an indictment for not repairing a bridge, that it was only a foot and horse bridge until A. B. altered and enlarged it, and made it a carriage bridge, whereby it became of much greater service to the county, who therefore ought to repair it.

AND I. S. one of the inhabitants of the said parish of A. by A. B. his attorney, comes, and having heard the said indictment read to him on behalf of himself and the rest of the inhabitants of the said parish says, that he does not intend that our said lord the king will or ought any further to prosecute or impeach the inhabitants of the said parish on account of the said premises in the said indictment mentioned, because he says that true it is the said bridge is insufficient, broken, ruinous, and in great decay for want of due reparation and amendment, in manner and form as in and by the said indictment is above alledged; but the said J. S. further says, that the said highway, in the said indictment specified, did not at any time before the altering and enlarging of the said bridge, in the said indictment mentioned, in manner hereafter mentioned, pass over and extend unto the said bridge; and the said J. S. further says, that the said bridge before and until the altering and enlarging in manner hereinafter mentioned, was a common bridge of a certain width and length, to wit, yards in length, and yards in width and no more, erected, standing, and being upon and over the said water-courses in the said indictment mentioned, in a certain other king's highway in the parish aforesaid, leading between in the riding aforesaid, for all the subjects of our said lord the king to go, return, pass, ride, and travel upon, and over on *foot* and on *horseback only*, but not in or with their coaches, carts, or carriages at all times of the year, at their free will and pleasure; and the said J. S. further says, that one P. J. esquire, afterwards, and before the said time, when, &c. to wit, on, &c. at his own expence altered and enlarged the said bridge, and made the same of much greater width and length than the same had been or been used to be at any time before, or until such altering or enlarging thereof, to wit, of the width and length in the said indictment specified; by reason whereof the said subjects of our said lord the king there were, and from thenceforth hitherto have been enabled to go, return,

turn, pafs, ride, and travel, and have gone, &c. upon, and over the faid bridge, not only on foot and on horfeback, but alfo with their coaches, carts, and other carriages in a more eafy and commodious manner than they before or until that time had been ufed or accuftomed to do, at all times of the year, at their free will and pleafure; and the faid J. S. further fays, that the faid highway, in the faid indictment fpecified, after the altering and enlarging the faid bridge in manner hereinbefore mentioned, to wit, on the day and year above-mentioned, was diverted and turned from and out of its former and more ancient courfe, to and unto and over the faid bridge, and from thenceforth hitherto hath been carried and gone to and unto and over the fame bridge, and the liege fubjects of our faid lord the king have during all the time laft aforefaid, gone, returned, paffed, rode, and travelled in and along the faid highway, in the faid indictment fpecified, and over the faid bridge, not only on foot and on horfeback, but alfo with their coaches, carts, and other carriages every year, at all times of the year, at their free will and pleafure, by reafon whereof the faid bridge became, and was and ftill is of much greater benefit and utility to the faid fubjects of our faid lord the king, and particularly to the inhabitants within the faid north riding of the faid county, than the fame had been before ufed to be or was, by reafon of which premifes, the inhabitants of the faid north riding of the faid county, always from the time of the faid bridge being fo altered and enlarged as aforefaid, and being fo ufed as is laft-mentioned, hitherto have repaired and amended, and have been liable to repair and amend, and during all that time of right ought to have repaired and amended the faid bridge, when and fo often as occafion hath required or fhall require, *without* this, that the inhabitants of the parifh ought to repair, &c. as in and by the faid indictment is above alledged; and this the faid J. S. for and on the behalf of himfelf and the reft of the inhabitants of the faid parifh is ready to verify; wherefore, &c. and that the aforefaid inhabitants of the faid parifh may be difcharged of the premifes in the faid indictment contained, and difmiffed therefrom by the faid court.

Traverfe that the inhabitants at large ought to repair.

Indictment againft the inhabitants of a parifh for not repairing the high way, but fuffering the fame to run to decay, whereby it was impoffible to pafs and repafs.

SURRY, to wit. The jurors for our fovereign lord the king upon their oath prefent, that from time whereof the memory of man is not to the contrary, there was and yet is a certain common and king's highway, leading from the hamlet of Wallington, in the parifh of Boddington, in the county of S. towards and unto the parifh of Morefdon in the faid county, which was from the time whereof, &c. ufed by all the liege fubjects of our faid lord the king and his predeceffors, with their horfes, coaches, carts, and carriages, to go, return, pafs, ride, and labour at their refpective will and pleafure, and that the faid common and ancient king's highway, containing in length feven thoufand two hundred feet, and in breadth thirty-three feet, on, &c. in the

the twenty-third, &c. and continually afterwards, until the day of the taking of this inquiſition, at, &c. in, &c, was and yet is very ruinous, miry, deep, broken, and in ſuch decay, for want of due reparation and amendment of the ſame, ſo that the liege ſubjects of, &c. through the ſame common and ancient king's highway with their horſes, &c. could not during the time aforeſaid, nor yet can go, &c. as they ought and were wont to do, without great danger of their lives and the loſs of their goods, to the great danger and common nuiſance of all the liege ſubjects, &c, in, by, and through the ſame common and ancient king's highway, going, returning, paſſing, riding, and labouring, and againſt the peace of our ſaid lord the king, his crown and dignity; and that the inhabitants of the ſaid pariſh of, &c, in, &c. the ſaid common and ancient king's highway, ſo as aforeſaid being in decay, ought to repair and amend, when and ſo often as it ſhall be neceſſary: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that from the time whereof, &c. there was and yet is a certain other common, &c. leading from, &c. in, &c. towards, &c. which was from the time whereof, &c. uſed for all the liege ſubjects of, &c. with their horſes, &c. to go, &c. at their reſpective will and pleaſure, and that a certain part thereof *leading from a certain place called the Ryes, in the ſaid pariſh of, &c. in, &c. to a certain gate called Lord Loughborough's Gate, containing in length five thouſand two hundred feet, and in breadth thirty three feet*, on, &c. in the twenty-third, &c. and continually afterwards, until the day of the taking of this inquiſition at, &c. in, &c. was and yet is very ruinous, &c. and in ſuch decay for want of due reparation and amendment of the ſame, ſo that the liege ſubjects of, &c. through the ſame part of the ſaid common, &c. laſt-mentioned, with their horſes, &c. could not during the time aforeſaid, nor yet can go, &c. as they ought and were wont to do, without great danger of their lives, and the loſs of their goods, to the great danger and common nuiſance of all the liege ſubjects of, &c. and through the ſame part of the ſaid common, &c. laſt-mentioned, going, &c. and againſt the peace of our ſaid lord the king, his crown and dignity; and that the ſaid inhabitants of the ſaid pariſh of, &c. in, &c. the ſame part of the ſaid common, &c. being in decay, ought to repair and amend, when and ſo often as it ſhall be neceſſary. (3d Count like the ſecond, only for another part of the way, "*leading from a certain other gate called Lord Loughborough's Gate, in the ſaid pariſh of, &c. in, &c, towards the pariſh of Moreſdon, containing in length two thouſand feet, and in breadth thirty-three feet*," inſtead of the part in Italic in the 2d Count.)

2d Count.

And now comes here William Haydon and John Hickerſon, two of the inhabitanrs of the pariſh of, &c. in, &c. in the name of all the inhabitants of the pariſh of, &c. in their proper perſons; and

Plea as to part of the road, that Lord L. (*ratione tenuræ*) was bound to repair, are bound.

and traverſe that the inhabitants

having

having heard the ſaid indictment, they the ſaid William Haydon and John Hickerſon, as well for themſelves as for the reſt of the inhabitants of the ſaid pariſh, ſay, that the ſaid highway in the ſaid firſt Count of the ſaid indictment mentioned, and the ſaid highway in the ſecond Count of the ſaid indictment mentioned, and the ſaid highway in the laſt Count of the ſaid indictment mentioned, are one and the ſame highways, and not other or different highways; and the ſaid William Haydon and John Hickerſon further ſay, that our lord the now king will not nor ought any further to impeach, diſturb, or proſecute the ſaid inhabitants of the ſaid pariſh on occaſion of the premiſes, becauſe as to part of the ſaid highway in the ſaid indictment ſpecified and mentioned, and thereby ſuppoſed to be ruinous, miry, deep, broken, and in decay, for want of due reparation and amendment of the ſame, that is to ſay, three thouſand ſeven hundred and fifty feet in length, and ſixteen feet in breadth, in the ſaid highway, commencing and beginning from Great Broad Cloſe, in the ſaid pariſh, and extending from thence in the ſaid pariſh towards and unto the end of the ſaid highway which opens into the road leading from Mitcham to Sutton, in the county aforeſaid, they the ſaid William Haydon and John Hickerſon, for themſelves and the reſt of the inhabitants of the ſaid pariſh ſay, that true it is that the ſaid part of the ſaid highway in this plea particularly mentioned and deſcribed, parcel, &c. ſituate, lying, and being in the ſaid pariſh of, &c. as by the ſaid indictment is above ſuppoſed: But the ſaid William Haydon and John Hickerſon, as well for themſelves as for the reſt of the inhabitants of the ſaid pariſh, further ſay, that Alexander lord Loughborough, long before the ſaid firſt day of November, in the twenty-third year aforeſaid, in the ſaid indictment mentioned, and during all the time mentioned in the ſaid indictment, and whereby it is ſuppoſed that the ſaid highway in the ſaid indictment mentioned was ruinous, miry, deep, broken, and in great decay, for want of due reparation and amendment of the ſame, was and ſtill is ſeiſed in his demeſne as of fee of and in certain lands and tenements lying and being within the ſaid pariſh of, &c. commonly called and known by the name of, &c.; and by reaſon of the tenure and occupation of the ſaid lands and premiſes, with the appurtenances, the ſaid Alexander lord Loughborough, during all that time, ought to have repaired and amended, and yet of right ought to repair and amend the ſaid part of the ſaid highway in this plea before particularly mentioned and deſcribed, parcel, &c. and in the ſaid indictment mentioned to be ruinous, miry, &c. and in decay, for want of due reparation and amendment of the ſame when and as often as occaſion hath required, without this, that the inhabitants of the pariſh of, &c. in, &c. the ſaid part of the ſaid common highway ſo as aforeſaid being in decay, ought to repair and amend, when and ſo often as it ſhould be neceſſary, as by the ſaid indictment is above ſuppoſed; and this they the ſaid W. H. and J. H. as well for themſelves as for the reſt of the inhabitants of the ſaid pariſh are ready to verify: wherefore they pray judgment if our ſaid lord the now king will or ought any further to impeach, diſturb, or proſecute the ſaid inhabitants of the pariſh of, &c.

&c. on occaſion of the ſaid premiſes: And as to the other part of the ſaid highway in the ſaid indictment ſpecified and mentioned, and thereby ſuppoſed to be ruinous, &c. for want of due reparation and amendment of the ſame, that is to ſay, four hundred and fifty feet in length, and ſixteen feet in breadth, commencing and beginning from the Rye Field, in the ſaid pariſh, and extending from thence towards Tegg's Meadow, in the ſaid pariſh, in the ſaid highway, and parcel thereof, they the ſaid W. H. and J. H. for themſelves and the reſt of the inhabitants of the ſaid pariſh, ſay, that true it is that the ſaid part of the ſaid highway in this plea laſt particularly mentioned and deſcribed, parcel, &c. lying and being in the ſaid pariſh of, &c. as by the ſaid indictment is above ſuppoſed; but the ſaid W. H. and J. H. as well for themſelves as for the reſt of the inhabitants of the ſaid pariſh, further ſay, that one John Hubert, long before the ſaid firſt day of November, in the twenty-third year aforeſaid in the ſaid indictment mentioned, and during all the ſaid time mentioned in the ſaid indictment, and whereby it is ſuppoſed that the ſaid highway in the ſaid indictment mentioned was ruinous, &c. and in decay, for want of due reparation and amendment of the ſame, was and ſtill is ſeiſed in his demeſne as of fee of and in certain lands and tenements ſituate, lying, and being within the pariſh of, &c. commonly called and known by the name of, &c.; and by reaſon of the tenure and occupation of the ſaid lands and tenements, with the appurtenances, the ſaid John Hubert, during all that time, ought to have repaired and amended, and yet of right ought to repair and amend the ſaid part of the ſaid highway in this plea particularly mentioned and deſcribed, parcel, &c. and in the ſaid indictment mentioned to be ruinous, &c. and in decay, for want of due reparation and amendment of the ſame when and as often as occaſion hath required, without this, that the inhabitants of, &c. in, &c. the ſaid laſt-mentioned part of the ſaid common highway being in decay, ought to repair and amend when and ſo often as it ſhall be neceſſary, as by the ſaid indictment is above ſuppoſed; and this they the ſaid W. H. and J. H. as well for themſelves as for the reſt of the inhabitants of the pariſh aforeſaid, are ready to verify: wherefore they pray judgment, &c. (as before): And as to the other part of the ſaid highway, &c. &c. two thouſand feet in length, and ſixteen feet in breadth, commencing, &c. and extending, &c. (like the preceding pleas, only in this the preſcription that *Foſter Reynolds* ſhould repair *ratione tenuræ* of certain lands, &c. lying, &c. in, &c. commonly called, &c. with the appurtenances): As to two thouſand three hundred and fifty feet in length, and ſixteen feet in breadth, commencing, &c. from, &c. and extending towards, &c. that Henry Byrne ought to repair by reaſon of his tenure of certain lands, &c. in, &c. commonly called, &c. with the appurtenances; as to two hundred and thirty feet in length and ſixteen feet in breadth, commencing, &c. and extending, &c. that James Scawen ought to repair *ratione tenuræ* of, &c. with the appurtenances; as to one thouſand feet in length and ſixteen feet in breadth, commencing, &c. and extending, &c. that William

William Hammond ought to repair *ratione tenuræ* of, &c. with the appurtenances; as to two thousand four hundred feet in length and sixteen feet in breadth, commencing, &c. and extending, &c. that George Taylor ought to repair *ratione tenuræ* of, &c. with, &c. &c.; as to two hundred and forty feet in length and sixteen feet in breadth, commencing, &c. and extending, &c. that William Andrews ought to repair, &c. &c. &c.

C. RUNNINGTON.

Replication to the last plea; issue on traverse.

And Francis Lawson, esquire, clerk of the peace of the said county of S. who prosecuteth for our said lord the king in this behalf, as to the said plea of the said inhabitants by the said W. H. and J. H. in manner and form aforesaid first above pleaded, as to that part of the said highway therein particularly mentioned and described, being ruinous, &c. and in decay, for want of due reparation and amendment of the same, for our said lord the king saith, that the inhabitants of the parish of, &c. in, &c. the said part of the said common highway in that plea mentioned, so as aforesaid being in decay, ought to repair and amend, when and so often as it shall be necessary, as by the said indictment is above supposed; and this the said Francis Lawson, who prosecutes as aforesaid for our said lord the king, prays may be enquired of by the country, &c; and as to the said plea of the said inhabitants by the said W. H. and J. H. in manner and form aforesaid secondly above pleaded, as to that part of the said highway therein particularly mentioned and described, being ruinous, &c. and in decay, for want of due reparation and amendment of the same, the said Francis Lawson, who prosecutes as aforesaid for our said lord the king, further saith, that the inhabitants of the parish of, &c. the said last-mentioned part of the said common highway so as aforesaid being in decay, &c. ought to repair and amend, when and so often as occasion shall require, as by the said indictment is above supposed; and this the said Francis Lawson, who prosecutes as aforesaid for our said lord the king, prays may be enquired of by the country, &c. (Take issue on the six other pleas in the same manner as the second.)

Record of an indictment at the assizes for not repairing highway.

SURRY, ss. Be it remembered, that at the session of our lord the king of oyer and terminer held for our said lord the king at G. in and for the county of Surry, on Wednesday the twenty-ninth day of July, in the nineteenth year, &c. before the right honourable William earl of Mansfield, chief justice of our said lord the king assigned to hold pleas before the king himself, and sir James Eyre, one of the barons of our said lord the king of his court of exchequer, and others their fellow justices of our said lord the king, assigned by letters patent of our said lord the king under his great seal of GreatBritain to them and others, or any two of them, of whom one of them the said earl of Mansfield and Sir James Eyre our said lord the king willed should be one, directed to enquire more fully, by the oath of good and lawful men of the said county, and

and by other ways, means, and methods by which they ſhould or might better know, as well within liberties as without, by whom the truth of the matter may be the better known and inquired into, of all treaſons, miſpriſions of treaſons, inſurrections, rebellions, counterfeitings, clippings, waſhings, falſe coinings, and other falſities of the money of Great Britain and other kingdoms or dominions whatſoever, and of all murders, felonies, manſlaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, and unlawful uttering of words, aſſemblies, miſpriſions, confederacies, falſe allegations, treſpaſſes, riots, routs, retentions, eſcapes, contempts, falſities, negligences, concealments, maintenances, oppreſſions, champerties, deceits, and all other evil doings and offences and injuries whatſoever, and alſo the acceſſaries of them within the county aforeſaid, as well within liberties as without, by whomſoever done, committed, or perpetrated, and by whom and to whom, when, how, and after what manner, and of all other articles and circumſtances concerning the premiſes, and every of them, or any of them, in any manner whatſoever; and the ſaid treaſons and other the premiſes, according to the laws and cuſtoms of England, for this time to hear and determine ÷ by the oath of the honourable Thomas Onſlow, eſquire, &c. &c. &c. good and lawful men of the ſaid county, now here ſworn, and charged to enquire for our ſaid lord the king for the body of the ſaid county, it is preſented in manner and form following, that is to ſay: Surry. The jurors for our lord the king, upon their oath preſent, that from the time whereof, &c. there was and yet is a certain common and antient king's highway leading from the village of Trencham, in, &c. to the village of Puttenham, &c. and from thence to the town of Godalmin, in, &c. uſed for all the liege ſubjects of, &c. with their horſes, coaches, carts, and carriages, to go, return, paſs, ride, and labour, at their will and pleaſure; and that a certain part of the ſaid common and ancient king's highway called, &c. of the length of three hundred yards and of the breadth of eight feet, lying and being in the pariſh of Farnham, in, &c. on, &c. in the eighteenth year, &c. and continually afterwards until the day of the taking of this inquiſition, at, &c. in, &c. was and yet is very miry, deep, broken, and in great decay, for want of a due reparation and amendment of the ſame, ſo that the liege ſubjects of, &c. through and along the ſaid common and ancient king's highway there with their horſes, &c. could not during the whole time aforeſaid, nor yet can go, return, paſs, ride, and labour as they have been uſed and accuſtomed to do, to the great damage and common nuiſance of, &c. through and along the ſame common and ancient king's highway with their horſes, &c. going, &c. and againſt the peace of our ſaid lord the king, his crown and dignity: And that the inhabitants of the pariſh of Farnham aforeſaid, in, &c. the ſaid common and ancient king's highway, ſo as aforeſaid being in decay, ought to have repaired and amended, and ought to repair and amend, but have not ſo done: *wherefore* the ſheriff of the county of Surry is commanded that he do not

The indictment.

omit

omit by any reason of any liberty in his bailiwick, but that he cause the inhabitants of the said parish of Farnham to answer the premises; and afterwards, to wit, at the next sessions of our lord the king of oyer and terminer held for our said lord the king at Kingston-upon-Thames, in and for the said county of Surry, on, &c. in the nineteenth, &c. before Sir Henry Gould, knight, one of the justices of our said lord the king of his court of common pleas, and Sir W. B. knight, one other of the justices of the same court, and others their fellow justices of our said lord the king aforesaid, by letters patent, &c. &c. (as in the caption of the indictment to this mark ÷, only altering the names of the judges): And the sheriff of the county aforesaid returned to the said last-mentioned justices here that he had summoned the said inhabitants of the said parish of Farnham to answer the premises; but the said inhabitants of the said parish, &c. do not come before the said last above named justices of our said lord the king here to answer the premises: wherefore the sheriff of the county of Surry is commanded that he do not omit by reason of any liberty in his bailiwick, but that he distrain the inhabitants of the said parish of Farnham, in, &c. by all their lands and chattels in his bailiwick, so that neither they nor any for them do lay their hands thereto until he shall have other command from our said lord the king concerning the same, and that he answer our said lord the king concerning the issues thereof, so that he may have the bodies of the said inhabitants of the said parish of Farnham at the next session of oyer and terminer of our said lord the king to be held for the

Plea. county aforesaid to answer the premises; and afterwards, to wit, at the next session of our said lord the king of oyer and terminer held for our said lord the king at Croydon, in and for the county aforesaid, on, &c. in the nineteenth year aforesaid, before the said William earl of Mansfield and W. H. A. knight, one of the justices of our said lord the king, &c. &c. &c. (as in the caption of the indictment to this mark ÷, only varying the names and description of the judges) come William Shotter and Samuel Jackson, two of the inhabitants of the parish of Farnham aforesaid, in the name of all the inhabitants of the said parish, by Charles Jemmett their attorney; and having heard the said indictment read, they the said W. S. and S. J. as well for themselves as for all the inhabitants of the said parish of Farnham, say, that our said lord the king will not nor ought any further to impeach the said inhabitants of the said parish on occasion of the premises, because protesting that the same indictment, and the matters therein contained in manner and form as the same are above made and set forth, are insufficient in law to compel the said W. S. and S. J. and the rest of the inhabitants of the said parish of Farnham to make any answer thereto; protesting also that the said highway is not nor ever was any part thereof in the said parish of Farnham, as by the said indictment is above alledged; protesting also that the said highway or any part thereof was not nor is miry, deep, broken, and in great decay, for want of due reparation and amendment of the same,

as

as by the ſaid indictment is alſo alledged; for plea in this behalf the ſaid W. S. and S. J. for themſelves and the reſt of the inhabitants of the aforeſaid pariſh of Farnham ſay, that Sir R. R. baronet, long before the ſaid firſt day of, &c. in the ſaid indictment mentioned, and during all the ſaid time in the ſaid indictment, and wherein it is thereby ſuppoſed that the ſaid highway mentioned in the ſaid indictment was miry, &c. for want of due reparation and amendment of the ſame, was and ſtill is ſeiſed in his demeſne as of fee of and in a certain farm, conſiſting of a meſſuage and divers, to wit, two hundred acres of land, with the appurtenances, within the pariſh of Farnham aforeſaid, in, &c. called and known by the name of, &c.; and by reaſon of the tenure of the ſaid farm, he the ſaid Sir R. R. during all the ſaid time ought to have repaired and amended, and yet ought to repair and amend the ſaid highway in the ſaid indictment mentioned to be miry, &c. for want of due reparation and amendment of the ſame as often as occaſion hath required, without this, that the inhabitants of the ſaid pariſh of Farnham have repaired and amended, and ought to repair and amend the ſaid highway, as by the ſaid indictment is above alſo alledged; and this they are ready to verify: wherefore they pray judgment if our ſaid lord the now king will or ought further to impeach the ſaid W. S. and S. J. and the reſt of the inhabitants of the ſaid pariſh of Farnham, or any of them, on occaſion of the premiſes.

Replication.

And Jerome Knapp, eſquire, clerk of the aſſizes for the county aforeſaid, who proſecutes for our ſaid lord the king in this behalf, ſaith, that the ſaid W. S. and S. J. for themſelves and the reſt of the inhabitants of the ſaid pariſh of Farnham, ought not to have judgment upon their plea in this behalf in manner and form above pleaded, becauſe admitting that Sir R. R. long before the ſaid firſt day of, &c. in the ſaid indictment mentioned, and during all the time mentioned in the ſaid indictment that the ſaid highway was in decay for want of due reparation and amendment of the ſame, was ſeiſed in his demeſne as of fee of and in a certain farm, conſiſting of a meſſuage and divers, to wit, two hundred acres of land, with the appurtenances, within the pariſh of Farnham aforeſaid, in, &c. called and known by the name of, &c.; yet proteſting that by reaſon of the tenure of the ſaid farm the ſaid Sir R. R. during all the ſaid time in the ſaid indictment mentioned, ought not to have repaired and amended the ſame, nor yet ought to repair and amend the ſaid highway in the ſaid indictment mentioned to be in decay, the ſaid Jerome Knapp for replication in this behalf ſaith, that the inhabitants of the ſaid pariſh of Farnham have repaired and amended, and ought to repair and amend the ſaid highway in the ſaid indictment, as by the ſaid indictment is above alledged; and of this the ſaid Jerome Knapp, who proſecuteth for our ſaid lord the king in this behalf, puts himſelf upon the country; and the ſaid W. S. and S. J. on behalf of themſelves and the reſt of the inhabitants of the ſaid pariſh of Farnham, do the like: therefore, &c. &c.

Indictment against the bailiffs of a town, for suffering the highway and a street to run to decay, whereby it was impossible to pass and repass, &c.

SURRY, ss. The jurors for our lord the king upon their oath present, that from time whereof, &c. there was and yet is a king's common highway and public street in the town of Kingston-upon-Thames, in the county of Surry, called Thames-street, used for all the liege subjects of, &c. with their horses, coaches, carts, and carriages, to go, return, pass, ride, and labour at their will and pleasure; and that a certain part of the said king's common highway and public street, known by the name of, &c. lying and being in the parish and town of Kingston-upon-Thames aforesaid, in the said county of Surry, to wit, beginning at the east end of a certain bridge there situate called Kingston Bridge, and continuing unto and ending at a certain house on the south side of the said king's common highway and public street, known by the name of the Rose and Crown, and in the occupation of John Hayes, containing in length one hundred and eighty-five feet, and in breadth ten feet, on, &c. in the twentieth, &c. and continually from thence until the day of the taking of this inquisition, was and yet is ruinous, broken, and in great decay, for want of due reparation and amendment of the same, so that the liege subjects of our said lord the king along and through that part of the said king's common highway and public street with their horses, &c. could not during the time aforesaid, nor yet can go, return, pass, ride, and labour as they were used and accustomed and ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king along and through that part of the said king's common highway and public street there going, returning, passing, riding and labouring, and against the peace of our said lord the king, his crown and dignity; and that Thomas Waterhouse, esquire, and John Rockwell, gentleman, bailiffs of the town of Kingston-upon-Thames aforesaid, in the said county of S. by reason of their enjoying and receiving certain toll and quit rents within the town and county aforesaid, the said part of the said king's common highway and public street, so as aforesaid being ruinous, broken, and in great decay, ought to have repaired and amended, and ought to repair and amend, but have not so done, &c. to the great damage, &c.

For not repairing a bridge, part thereof being in one parish and part in another, against the lord of the manor, who (*ratione tenuræ*) was bound to repair the one part, and the inhabitants of the parish, who ought to repair the other.

MIDDLESEX, ss. The jurors for our sovereign lord the king upon their oath present, that from time whereof, &c. there hath been and still is an ancient common and public bridge, called Brim Bridge, situate part thereof in the parish of Hendon, in the county of Middlesex, and the residue thereof in the parish of Willesdon, in the said county of Middlesex, over a certain water-course or stream of water, in the king's common highway, leading from a certain place called, &c. in the said parish of Willesdon, in the said county of Middlesex, to the said parish of Hendon, in the same county (the said highway being now, and from time whereof, &c.) having been a common king's highway for all the liege subjects of, &c. with their horses, cattle, waggons, carts, and other carriages, to go, return, pass and repass, ride and labour, at their own free will and

and pleasure; and that the said bridge, on, &c. in the fourteenth year, &c. by the grace of God, &c. and continually afterwards until the day of the taking this inquisition, to wit, at the several and respective parishes of Hendon and Willesdon aforesaid, in the said county of Middlesex, was and still is in great decay, broken, and ruinous, for want of repairing and amending thereof, so that the liege subjects of, &c. with their horses, &c. over the said bridge could not during all or any part of that time, nor yet can go, return, pass and repass, ride and labour, as they were wont and accustomed to do, without great danger of their lives and loss of their goods, to the great damage and common nuisance of all the liege subjects of, &c. over the said bridge going, returning, passing and repassing, riding and labouring, and against the peace of our said lord the now king, his crown and dignity; and that David Garrick, late of the parish of, &c. in the county of Middlesex, esquire, lord of the manor of Hendon, in the said county of Middlesex, by reason of his tenure of the said manor, and of certain lands in the said parish of Hendon, in the said county of Middlesex, ought to repair and amend the said part of the said bridge so being in the said parish of Hendon when and so often as need hath been or shall be or require, and hath not done it, &c.; and that the parishioners and inhabitants of the parish of Willesdon, in the said county of Middlesex, ought to repair and amend the said part of the bridge, so being in the said parish of Willesdon, when and so often as need hath been or shall be or require, and have not done it, &c. to the great damage and common hurt aforesaid, and against the peace of our said lord the king, his crown and dignity.

Indictment against the inhabitants of a parish for suffering part of a road to be ruinous and in decay, whereby it was impossible to pass and repass.

SURRY, ss. The jurors for our sovereign lord the king upon their oath present, that there now is, and from time whereof, &c. there hath been a certain common and public king's highway, leading from, &c. in, &c. towards and unto the town of, &c. in, &c. for all the liege subjects of, &c. to go, ride, pass and repass in and along the said highway, and to use the same by themselves and with their horses, carts, and carriages, at their free will and pleasure: And the jurors aforesaid, upon their oath aforesaid, do further present, that a certain part of the said common and public highway, situate, &c. in, &c. that is to say, a certain part of the said highway called, &c. containing in length fifty feet or thereabouts, in breadth forty feet or thereabouts, on, &c. in the year of the reign, &c. was, and from thence continually afterwards until the day of taking this inquisition, at the said parish of, &c. in, &c. hath been and still is ruinous, miry, broken, and in great decay, for want of needful and necessary reparation and amendment thereof, insomuch that the liege subjects of our said lord the now king could not at any time during the time last aforesaid, nor can they now go, ride, &c. in and along the said common and public king's highway, by themselves, or with their horses, carts, or

carriages, or use the said highway as they were before used and accustomed to do, and during all the time aforesaid of right ought to have done, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our lord the king going, riding, passing, and repassing in and along the said common and public king's highway, and having occasion to use the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that the inhabitants of the said parish of, &c. in the county of Surry, the said common and public king's highway so being ruinous and in decay as aforesaid, of right ought to repair and amend, when and as often as it shall or may be necessary.

C. RUNNINGTON.

Plea to an indictment against a parish for not repairing an highway, that road is in repair, after a *protestando* against the parish being liable to repair a particular part of it.

THE KING *against* THE INHABITANTS OF WESTHAM. } AND now come here A. B. and C. D. two of the inhabitants of the said parish, by E. F. their attorney; and having heard the said indictment read, they the said A. B. and C. D. as well for themselves as for the rest of the inhabitants of the said parish of Westham, say, that our lord the now king will not nor ought to any further impeach the said inhabitants of the said parish on occasion of the premises in the said indictment specified, because protesting that the said indictment, and the matters therein contained, in matter and form as the same are above set forth, are insufficient in law to compel the said inhabitants of the said parish of Westham to make any answer thereto; protesting also, in respect to a part of the said highway in the said indictment mentioned, and thereby supposed to be ruinous, miry, deep, broken, and in decay, for want of due reparation and amendment of the same, that is to say, so much thereof as lies between the said place called, &c. in the said indictment mentioned and the end and extremity of the said lane called, &c. in the said indictment mentioned, which borders upon and adjoining to a certain land called, &c. in the said parish of Westham and county of Essex, that the said inhabitants of the said parish of Westham ought not nor ever did repair and amend such part of the said highway, or any part thereof, as in and by the said indictment is alledged and supposed: for plea in this behalf the said A. B. and C. D. for themselves and the rest of the said parish of Westham, say, that the said part of the said highway in the said indictment, and thereby alledged and supposed to be ruinous, deep, miry, broken, and in decay, for want of due reparation and amendment of the same, during all the time in the said indictment mentioned was and still is in good repair, without this, that such part of the said highway, or any part thereof, was and still is ruinous, &c. and in decay, for want of due reparation or amendment of the same, as by the said indictment above is supposed; and this they the said A. B. and C. D. are ready to verify: wherefore they pray judgment if our said lord the king will or ought to impeach them the said A. B. and C. D. and the rest of the inhabitants of the

the ſaid pariſh of Weſtham, or any or either of them any further on occaſion of the premiſes in the ſaid indictment ſpecified.

V. LAWES.

THE KING *againſt* THE INHABITANTS OF SIDWELL. } AND Richard Maddock, eſquire, coroner, and attorney of our ſaid lord the king in the court of our ſaid ſovereign lord the king, before the king himſelf, who in this particular proſecutes for our ſaid ſovereign lord the king, ſaith, that the plea aforeſaid by the ſaid N. P. and R. H. two of the inhabitants of the ſaid pariſh of S. in manner aforeſaid pleaded, and the matter therein contained, are not ſufficient in law to bar his ſaid majeſty from having a conviction againſt the ſaid inhabitants in this behalf; and this he is ready to verify: wherefore for want of a ſufficient plea in this particular, he prays judgment, and that the ſaid inhabitants of the ſaid pariſh of S. may be convicted of the premiſes above ſpecified in the ſaid indictment.

Demurrer by the king againſt the inhabitants of a pariſh after an inſufficient plea pleaded by them to an indictment for not repairing the highways.

SURRY, *ſs.* The jurors for our lord the king upon their oath preſent, that from time whereof the memory of man is not to the contrary, until the obſtruction thereof hereafter mentioned there hath been, and from the time of ſuch obſtruction hitherto there ought to have been, and ſtill of right ought to be, a certain common and ancient highway leading from the public and common ſtreet in the village of Batterſea, in the county of Surry, down to a certain public navigable river called the Thames, in the ſaid county, for all the liege ſubjects of our ſaid lord the king and his predeceſſors, kings and queens of Great Britain and England, reſpectively to go, return, paſs, repaſs, ride, and labour, on foot and on horſeback, and with their cattle and carriages, at their free will and pleaſure; and that on, &c. in the twelfth year, &c. at the pariſh of B. aforeſaid, in the ſaid county, a certain building and erection of great length, breadth, and heighth, to wit, of the length of ninety feet, of the breadth of ten feet, and of the heighth of ten feet, was and before had been built, erected, and fixed in and upon the ſaid common and ancient highway by certain perſons to the jurors aforeſaid as yet unknown, whereby the ſaid common and ancient highway was obſtructed and ſtopped up, ſo that the liege ſubjects of our ſaid lord the king by the ſame way, on foot and on horſeback, *and with their cattle and carriages*, could not then go, paſs, repaſs, &c. as they had been uſed and accuſtomed to do; and that Priſcilla Gillard, late of the pariſh of B. aforeſaid, in, &c. widow, the ſaid building and erection ſo as aforeſaid built, erected, and placed in and upon the ſaid common and ancient highway, on the ſaid firſt day, &c. in the twelfth, &c. and from thence until the day of taking this inquiſition, with force and arms, at, &c. in, &c. unlawfully and injuriouſly did keep, maintain, and

Indictment againſt a perſon for continuing and keeping a building on the highway, whereby people were hindered from paſſing and repaſſing, &c. &c.

continue, and ſtill doth keep, maintain, and continue, whereby the ſaid common and ancient highway during the time aforeſaid hath been and yet is obſtructed and ſtopped up, ſo that the liege ſubjects of our ſaid lord the now king, during all that time, have been and ſtill are hindered and obſtructed in paſſing and repaſſing, riding and labouring, on foot and on horſeback, and *with* their cattle *and carriages*, in, through, and along the ſaid common and ancient highway as aforeſaid, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king through the ſame highway going, returning, paſſing, repaſſing, riding, and labouring, on foot and on horſeback, *with* their cattle *and carriages*, to the evil example of all others in the like caſe offending, and againſt the peace of our lord the now king, his crown and dignity:

2d Count, building a wall.

And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that from time whereof the memory of man is not to the contrary, until the obſtruction thereof hereafter mentioned there has been, and from the time of ſuch obſtruction hitherto there ought to have been, and ſtill ought to be, a certain other common or ancient highway leading from the common and public ſtreet in, &c. to the ſaid river called, &c. in, &c. for all the liege ſubjects of, &c. reſpectively to go, return, &c. with their cattle and carriages, at their free will and pleaſure; and that the ſaid P. G. widow, on, &c. in the twelfth, &c. with force and arms, at, &c. in, &c. unlawfully and injuriouſly did cauſe to be built, &c. a certain wall of a certain great length, breadth, and height, to wit, of the length, &c. in and upon the ſaid laſt-mentioned common and ancient highway: and the ſame wall ſo built, &c. in and upon the ſaid laſt-mentioned common and ancient highway there as aforeſaid did unlawfully and injuriouſly, with force and arms, keep, maintain, and continue, from, &c. for a long time, to wit, for the ſpace of ſixty days then next following, whereby the ſaid laſt-mentioned common and ancient highway, &c. &c. (conclude as in firſt Count).

3d Count, digging up and ſubverting and placing materials for building.

And the jurors aforeſaid, upon their oath aforeſaid, &c. &c. (3d Count like the ſecond to the offence); and that the ſaid P. G. on, &c. in the twelfth, &c. with force and arms, at, &c. unlawfully and injuriouſly did dig up and ſubvert, and did cauſe to be dug up and ſubverted, great part of the ſaid laſt-mentioned common and ancient highway, to wit, ſixty yards in length, and one yard in breadth, and four feet in depth, of the ſaid laſt-mentioned common and ancient highway, and unlawfully and injuriouſly did then and there lay down and place, and cauſe to be thrown down, laid, and placed, divers large quantities of bricks, ſtones, and lime, to wit, twenty hundred loads of brick, twenty, &c. ſtone, and twenty, &c. lime, in and upon the ſaid laſt-mentioned common and ancient highway, and the ſame part of the ſaid laſt-mentioned highway ſo dug up and ſubverted, and the ſaid bricks, ſtones, and lime ſo thrown, laid down, and placed there, with force and arms did unlawfully and injuriouſly keep, maintain, and continue, from the ſame day and year laſt aforeſaid for a long time, to wit, until the day of the taking of this inquiſition, whereby the ſaid laſt-mentioned

mentioned common and antient highway, &c. &c. (as before.) And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof, &c. there hath been and yet is a certain other common, &c. *commonly called a pack and prime way*, leading from the common and public street in the village of B. in, &c. down to the said river called, &c. in, &c. for all the liege subjects of, &c. respectively, *on foot and on horseback*, to go, return, pass, repass, *ride* and labour, *and to drive their cattle*, at their free will and pleasure; and that, on, &c. in the twelfth, &c. at, &c. in, &c. a certain building and erection, of great length, breadth, and height, to wit, of the length of, &c. was and before had been built, erected, and placed in and upon the said last-mentioned common and ancient highway, there by certain persons to the jurors aforesaid as yet unknown; whereby the said last-mentioned common and ancient highway was obstructed and stopped up, so that the liege subjects of, &c. by the same highway last mentioned on foot and on horseback could not then go, &c. and drive their cattle as they had been accustomed to do: And that the said P. G. the said building and erection last mentioned as last aforesaid, built, &c. in and upon the said last-mentioned *highway*, on, &c. in the twelfth year, &c. and from thence until the day of the taking this inquisition, with force and arms, at, &c. in, &c. unlawfully and injuriously did keep, &c. and still doth keep, &c. whereby the said last-mentioned *highway*, during the time last aforesaid, hath been, and yet is obstructed and stopped up, so that the liege subjects of, &c. during all that time have been, and still are hindered and obstructed in passing and re-passing, *riding*, and labouring on foot *and on horseback, and driving their cattle* in, through, and along the said last mentioned *highway* as aforesaid, to the great damage and common nuisance of, &c. through the same *last-mentioned highway*, going, returning, passing, *riding*, and labouring on foot *and on horseback, and driving their cattle*, to the evil example, &c. &c. (as before.) (5th and 6th Counts like the 2d and 3d, only with the same alterations as between the 1st and 4th). And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof, &c. there hath been, and yet is a certain common and ancient *foot-way*, leading from the common and public street in, &c. down to the said river, called, &c. for all the liege subjects of, &c. respectively to go, &c. at all times at their free will and pleasure: And that on, &c. in the twelfth, &c. at, &c. in, &c. a certain building and erection of a great length and breadth, to wit, of the length of, &c. was and before had been built, erected, and placed in and upon the said last-mentioned *foot-way*, there by certain persons to the jurors aforesaid as yet unknown, whereby the said last-mentioned foot-way was obstructed and stopped up, so that the liege subjects of our said lord the now king, by the same way last mentioned, on foot could not then go, return, pass and repass, and labour as they had been used and accustomed to do: And that the said P. G.

4th Count, calling it a pack and prime way.

7th Count, foot-way.

&c. &c. (as in the 4th Count, omitting or altering the words in Italic, so as applicable to a footway only; 8th and 9th counts like the 2d and 3d with the same alterations as between the 1st and 7th.)

G. Wood.

As the indictment is very long, I wish the 2d, 5th, and 8th Counts were omitted, that is, if they are designed for the old building, or any building not built by the defendant.

Indictment at the quarter sessions, for not repairing a highway, setting out the particular parts of the road out of repair, and that the inhabitants of a particular town are liable to repair them.

LANCASHIRE, to wit. The jurors of our lord the king upon their oath present, that from the time whereof the memory of man is not to the contrary, there was and yet is a common and ancient king's highway, leading from the village or town of Heysham, in the county of Lancaster, towards and unto the market town of Lancaster, in the county of Lancaster aforesaid, used for all the liege subjects of our said lord the king and his predecessors, with their horses, coaches, carts, and carriages to go, return, pass, ride, and labour at their will and pleasure, and that a certain part of the said king's common highway situate, lying, and being in the parish of Lancaster, in the county of Lancaster aforesaid, beginning at a certain place there called or known by the name of Grindle Stone Turn, otherwise Grinding Stone Turn, and ending at a certain other place, there called or known by the name of White Lund Stile, and containing in length one thousand two hundred yards, or thereabouts, and in breadth eight yards or thereabouts, on the first day of February, in the thirty-first year of the reign of our said sovereign lord king George the Third, and continually afterwards until the day of the taking this inquisition, was and yet is ruinous, founderous and in great decay, for want of due reparation and amendment of the same, so that the subjects of our said lord the king, passing and travelling through the same with their horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can go, return, pass, ride, and labour without great danger, to the great damage and common nuisance of all the liege subjects of our said lord the king passing through that way, and against the peace of our said lord the king, his crown and dignity; and that the inhabitants of the said parish of Lancaster, in the said county of Lancaster, the common highway aforesaid, so aforesaid being in decay, ought to repair and amend, when and so often as it shall be necessary.

THE KING

v.

THE INHABITANTS OF THE PARISH OF LANCASTER.

Plea by two parishioners that particular persons whose estates lay near the highway are liable to repair them.

And Thomas Heatno and Abraham Seward, two of the inhabitants of the parish of Lancaster aforesaid, for themselves and the rest of the inhabitants of of the said parish (Richard Hall, Richard Thompson, James Beckett, George Greenwood, Edward Hornby, James Hargreaves, George Hargreaves, Thomas Jackson, and Richard Evan, excepted), came here into court, and having had

over

oyer of the ſaid indictment, ſay, that they and the reſt of the inhabitants of the ſaid pariſh (except as before excepted) ought not by reaſon of the premiſes to be further proſecuted, becauſe as to part of the ſaid highway in the ſaid indictment deſcribed to be in decay, containing in length one thouſand and ſixty-eight yards or thereabouts, and in breadth four yards or thereabouts, they ſay that the ſame adjoins on the South ſide thereof to certain land in the ſame pariſh, in the occupation of Richard Hall, and that the ſaid Richard Hall by reaſon of his tenure of ſuch land ought to repair and amend ſuch part of the ſaid highway as adjoins to his ſaid land, from his ſaid land to the middle of the ſaid highway, being in length and breadth as aforeſaid or thereabouts, when and ſo often as there ſhould be occaſion, as the ſaid Richard Hall and all thoſe who hold the ſaid land for the time being, from time whereof the memory of man is not to the contrary, ought and were uſed and accuſtomed, and of right ought to do, and as the ſaid Richard Hall ſtill of right ought to do, and as to another part of the ſaid highway, ſo ſuppoſed to be in decay, containing in length eighty-four yards or thereabouts, and in breadth four yards or thereabouts, they ſay, that the ſame on the South ſide thereof adjoins to certain other land in the ſa- pariſh, alſo in the occupation of Richard Hall, and that the ſaid Richard Hall, by reaſon of his tenure of ſuch laſt-mentioned land, ought to repair and amend ſuch part of the ſaid highway as ſo adjoins to his ſaid laſt-mentioned land, from his ſaid laſt-mentioned land to the middle of the ſaid highway, being in length and breadth as laſt-aforeſaid or thereabouts, when and as often as there ſhould be occaſion, as the ſaid Richard Hall, and alſo thoſe who held the ſaid laſt-mentioned land for the time being, from time whereof the memory of man is not to the contrary, ought and were uſed and accuſtomed, and of right ought to do; and as to another part of the ſaid highway, ſo ſuppoſed to be in decay, to wit, a certain part on the north-weſt ſide thereof, containing in length eighteen yards or thereabouts, and in breadth four yards or thereabouts, they further ſay, that the ſame adjoins to certain land in the occupation of George Greenwood, and that the ſaid George Greenwood, by reaſon of his tenure of ſuch laſt-mentioned land, ought to repair and amend ſuch part of the ſaid highway laſt above deſcribed, ſo ſuppoſed to be in decay, as adjoins to his ſaid land, from his ſaid land to the middle of the ſaid highway, containing in length and breadth as aforeſaid or thereabouts, when and as often as there ſhould be occaſion, as the ſaid George Greenwood, and all thoſe who held the ſaid laſt-mentioned land for the time being, from time whereof the memory of man is not to the contrary, ought and were uſed and accuſtomed, and of right ought to do, and the ſaid George Greenwood ſtill of right ought to do, and as to other parts of the ſaid highway, ſo ſuppoſed to be in decay, that is to ſay a certain part on the north ſide thereof, containing in length thirty-eight yards or thereabouts, and in breadth four yards or thereabouts, and a certain other part on the weſt

ſide

ſide thereof, containing in length fifty-five yards or thereabouts, and in breadth four yards or thereabouts, they further ſay that the ſame adjoins to certain lands in the occupation of Edward Hornby, and that the ſaid Edward Hornby, by reaſon of his tenure of ſuch lands, ought to repair and amend thoſe parts of the ſaid highway laſt above deſcribed, ſo ſuppoſed to be in decay, from his lands to the middle of the ſaid highway, being in length and breadth as laſt-aforeſaid or thereabouts, when and as often as there ſhould be occaſion, as the ſaid Edward Hornby and all thoſe who held the ſaid laſt-mentioned lands for the time being, from time whereof the memory of man is not to the contrary, ought and were uſed and accuſtomed, and of right ought to do, and the ſaid Edward Hornby ſtill of right ought to do; and as to another part of the ſaid highway ſo ſuppoſed to be in decay, that is to ſay a certain part on the north ſide thereof, containing in breadth four yards or thereabouts, and in length forty-two yards or thereabouts, they further ſay, that the ſame adjoins to certain land in the occupation of Thomas Jackſon and Richard Evan, and that the ſaid Thomas Jackſon and Richard Evan, by reaſon of their tenure of ſuch land, ſo adjoining to the north ſide of the ſaid highway, ought to repair and amend that part of the ſaid highway laſt above deſcribed, ſo ſuppoſed to be in decay, to the middle of the ſaid highway, being in length and breadth as laſt aforeſaid or thereabouts, when and as often as there ſhould be occaſion, as the ſaid Thomas Jackſon and Richard Evan, and all thoſe who held the ſaid laſt-mentioned land, for the time being, from the time whereof the memory of man is not to the contrary, ought and were uſed and accuſtomed, and of right ought to do, and the ſaid Thomas Jackſon and Richard Evan ſtill of right ought to do; and as to another part of the ſaid highway ſo ſuppoſed to be in decay, that is to ſay, a certain other part on the north ſide thereof, containing in breadth four yards or thereabouts, and in length three hundred and ſeventy-one yards or thereabouts, they further ſay that the ſaid part of the ſaid highway adjoins to certain land in the occupation of Richard Thompſon, and that the ſaid Richard Thompſon, by reaſon of his tenure of ſuch land ſo adjoining to the north ſide of the ſaid highway, ought to repair and amend that part of the ſaid highway laſt above deſcribed, ſo ſuppoſed to be in decay, to the middle of the ſame highway, being in length and breadth as laſt aforeſaid or thereabouts, when and ſo often as there ſhould be occaſion, as the ſaid R. T. and all thoſe who held the ſaid laſt-mentioned land for the time being, from time whereof the memory of man is not to the contrary, ought and were uſed and accuſtomed, and of right ought to do, and the ſaid Richard Thompſon ſtill of right ought to do: And as to another part of the ſaid highway ſo ſuppoſed to be in decay, that is to ſay, a certain other part on the north ſide thereof, containing in breadth four yards or thereabouts, and in length ſeven hundred and thirty yards or thereabouts, they further ſay that the ſame adjoins to certain land in the ſame pariſh, in the occupation of James Hargreaves and George Hargreaves, and that

the ſaid J. H. and G. H. by reaſon of their tenure of ſuch laſt-mentioned land adjoining the north ſide of the ſaid highway, ought to repair and amend that part of the ſaid highway laſt above deſcribed, ſo ſuppoſed to be in decay, to the middle of the ſaid highway, being in length and breadth as laſt aforeſaid, or thereabouts, when and as often as there ſhould be occaſion, as the ſaid J. H. and G. H. and all thoſe who held the ſaid laſt-mentioned land, for the time being, from time whereof the memory of man is not to the contrary, ought and were uſed and accuſtomed, and of right ought to do, and the ſaid J. H. and G. H. ſtill of right ought to do: And as to the reſidue of the ſaid highway ſo ſuppoſed to be in decay, containing in length one hundred and fifty-two yards or thereabouts, and in breadth four yards or thereabouts, they ſay, that the ſame on the north and weſt ſides thereof, adjoins to certain lands in the ſame pariſh, in the occupation of James Beckett, and that the ſaid James Beckett by reaſon of his tenure of ſuch lands ought to repair and amend the ſaid one hundred and fifty-two yards of the ſaid highway, laſt above deſcribed, ſo ſuppoſed to be in decay, from his ſaid lands to the middle of the ſame highway, being in length and breadth as laſt aforeſaid or thereabouts, when and as often as there ſhould be occaſion, as the ſaid J Beckett, and alſo thoſe who held the ſaid laſt mentioned land, for the time being, from time whereof the memory of man is not to the contrary, ought and were uſed and accuſtomed, and of right ought to do, and the ſaid J. B. ſtill of right ought to do, without this, that the inhabitants of the pariſh of Lancaſter aforeſaid, the common highway aforeſaid, the ſaid indictment mentioned to be in decay as aforeſaid, ought to repair and amend, when and ſo often as it ſhall be neceſſary, in manner and form as in and by the ſaid indictment is above ſuppoſed; and this they the ſaid Thomas Heaton and Abraham Seward are ready to verify; wherefore they pray judgment if they and the reſt of the inhabitants of the ſaid pariſh of Lancaſter (except as before excepted) ought to be further proſecuted by reaſon of the not repairing and amending of the ſaid highway.

G. Wood.

Eaſter Term, 6. Geo. III.

Record of an indictment for a nuiſance, in not repairing a bridge, and that a particular perſon is liable to repair it.

BE it rememered, that at the ſeſſion of our lord the king of oyer and terminer held for our ſaid lord the king at Kingſton upon Thames, in and for the county of Surry, on Wedneſday the nineteenth day of March, in the ſixth year of the reign of our ſovereign lord George the Third, by the grace of God now king of Great Britain, &c. before Sir Edward Clive, knight, one of the juſtices of his majeſty's court of common pleas, and Sir Sydney Stafford Smythe, knight, one of the barons of his majeſty's court of Exchequer, and others their fellows, juſtices of our ſaid lord the king, aſſigned by letters patent of our ſaid lord the king, under his great ſeal of Great Britain, to them and others or any two of them

them (of whom one of them the ſaid Sir Edward Clive and Sir Sidney Stafford Smythe, our ſaid lord the king would ſhould be one), to enquire more fully the truth by the oaths of good and lawful men of the ſaid county, and by other ways, means, and methods, by which they ſhould or might better know (as well within liberties as without) by whom the truth of the matter may be the better known and enquired into of all treaſons, miſpriſions of treaſons, inſurrections, rebellions, counterfeitings, clippings, waſhings, falſe coinings, and other falſities of the money of Great Britain, and other kingdoms and dominions whatſoever, and of all murders, felonies, manſlaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, aſſemblies, miſpriſions, confederacies, falſe allegations, treſpaſſes, riots, routs, retentions, eſcapes, contempts, falſities, negligences, concealments, maintenances, oppreſſions, champerties, deceits, and all other evil doings, offences, and injuries whatſoever; and alſo all the acceſſaries of them within the county aforeſaid (as well within liberties as without), by whomſoever and in what manner ſoever done, committed, or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumſtances concerning the premiſes, and every of them, or any of them, in any manner whatſoever, and the ſaid treaſons, and other the premiſes, according to the laws and cuſtoms of England, for this time to hear and determine by the oath of twelve jurors, good and lawful men of ſaid county of Surry, then and there ſworn and charged to enquire for our ſaid lord the king for the body of the ſaid county, it is preſented as followed (that is to ſay), Surry, ſſ. // The jurors for our ſovereign lord the king upon their oath preſent, that there is, and from time whereof the memory of man is not to the contrary, there hath been a certain public and common bridge in the pariſh of Godalmin, in the ſaid county of Surry, over the river Wey, otherwiſe Wye, tho' commonly called Eaſhing Bridge, ſituate in the king's common highway, leading from the town of Godalmin, in the ſaid county of Surry, to the town of Farnham, in the ſame county, for all the liege ſubjects of our ſaid lord the king and his predeceſſors, to go, return, ride, and travel on horſeback, and with their cattle, carts, and carriages, upon, along, and over at their will and pleaſure, and that the ſaid public and common bridge, on the the firſt day of July, in the fifth year of the reign of our ſovereign lord George the Third now king of Great Britain, &c. and from thence continually afterwards until the day of taking this inquiſition, was and yet is ruinous, in decay, and out of repair, and inſufficient, and without any parapet building, erection, or defence whatever, on the ſides thereof, to prevent horſes and other cattle, carts, and carriages going, returning, paſſing, and travelling upon, along, and over the ſaid bridge, from falling from thence into the ſaid river, ſo that the liege ſubjects of our ſaid lord the king could not during all the time laſt-abovementioned, nor yet can go, return, ride, and travel upon, along, and over the ſaid bridge, without great danger of their lives, and loſs of their horſes and other

The indictment.

other cattle, carts, and carriages, to the great damage and common nuisance of all the liege subjects of our said lord the king going and returning, riding and travelling upon, along, and over the said bridge, and against the peace of our said lord the king, his crown and dignity: And that Thomas More Molyneux, late of the parish of Saint Nicholas, in Guildford, in the said county of Surry, esquire, by reason of the tenure of his manor of Godalmin, in the said county, ought, when and as often as it shall be necessary, to repair and amend the said bridge, and to make the same sufficient, safe, and secure, so that the liege subjects of our said lord the king may pass, repass, ride, and travel upon, along, and over the said bridge, without danger of their lives or loss of their horses, and other cattle, carts, and carriages. And the jurors aforesaid, upon their oath aforesaid, do further present, that there now is, and from time whereof the memory of man is not to the contrary, there hath been a certain other public and common bridge in the said parish of Godalmin, in the said county of Surry, over the river Wey, otherwise Wye, tho' commonly called Eashing Bridge, situate in the king's common highway, leading from the town of Godalmin, in the said county of Surry, to the town of Farnham, in the same county, for all the liege subjects of our said lord the king and his predecessors, to go, return, ride, and travel on horseback, and with their cattle, carts, and carriages, upon, along and over at their will and pleasure; and that the said last-mentioned public and common bridge, on the said first day of July, in the said fifth year of the reign of our sovereign lord George the Third, now king of Great Britain, and from thence continually afterwards, until the day of taking this inquisition, was and yet is insufficient and without any parapet building, erection, or defence whatsoever on the sides thereof, to prevent horses and other cattle, carts and carriages going, returning, passing, and travelling upon, along, and over the said bridge, from falling from thence into the said river, so that the liege subjects of our said lord the king could not during the time last above mentioned, nor yet can go, return, ride, and travel upon, along, and over the said bridge without great danger of their lives and loss of their horses, and other cattle, carts, and carriages, to the great damage and common nuisance of all the liege subjects of our said lord the king going, returning, riding, and travelling upon, along, and over the said bridge, and against the peace of our said lord the king, his crown and dignity: And that the said Thomas More Molyneux, by reason of the tenure of certain lands and tenements of him the said Thomas More Molyneux, situate, lying, and being within the hundred of Godalmin in the said county, ought, when and as often as it shall be necessary, to repair and amend the said bridge, and to make the same sufficient, safe, and secure, so that the liege subjects of our said lord the king may pass, repass, ride, and travel upon, along, and over the said bridge, without danger of their lives, and loss of their horses and other cattle, carts, and carriages, &c. &c. &c.

ESSEX,

Presentment by commissioners of sewers for not repairing part of a wall which was blown up by the spring tides, and which defendant, by reason of his tenure, was bound to repair.

ESSEX, MIDDLESEX, and KENT, ss. Be it remembered, that by and at a special session and court of sewers duly held for the limits of the levels of Havering, Dagenham, Ripple, Barking, Eastham, Westham, Layton, Walthamstow, Bromley, and East Marsh, and for the respective borders or confines thereof, near to the same as the same respectively is, and standing, lying, running, and being within the said respective counties, and within the bounds, limits, and jurisdictions of his majesty's commissioners of sewers, duly issued under the great seal of Great Britain, on the nineteenth day of June, in the year of Our Lord 1761, still in force unsuspended, at the sign of the Green Man, in Great Ilford, in the said county of Essex, on Saturday the fifth day of January, in the year of Our Lord 1765, before Bamber Gascoyne, esquire, chairman, Samuel Wegg, James Kerling, John Lapridge, Charles Smith, Thomas Fuller, Joseph Gascoyne, William Steple, George Spurral, Edward Rowe, Moses Pullen Allen, and William Rayment, esquires, commissioners in the said commission named, three thereof, to wit, the said Bamber Gascoyne, Samuel Wegg, and Joseph Kerling, are therein and thereby nominated and appointed of the quorum, come twelve sewers, jury for our sovereign lord the king, being duly returned and charged, &c. come upon a sewers jury for the limits and for the borders and confines of Ripple and Barking Levels, in the said county of Essex, to wit, Mr. Knight, John Allen, John Brown, George Chamberlain, Francis Leigh, John Blanchell, Richard Sibley, Robert Humphrey, Henry Foot, Thomas Tyson, Hugh Muredy, and James Parsons, who having, according to the tenor of the commission aforesaid, diligently enquired, as such jury, into the several matters and things belonging to the sewers within the limits of the charges of the said jurors, according to the tenor, true intent and meaning of the said commission, the said jurors do upon their oath present in writing to the court here as follows, that is to say, Westbury Little Level, within Barking Great Level, Essex: The jurors aforesaid, upon their oath aforesaid, present, that Thomas Spearman, of the parish of Westham, in the county of Essex, esquire, and all those estates he hath of and in certain lands called the Breach and Hose, in the parish of Barking, in this county (of which said lands the said Thomas Spearman now is, and for divers years last past hath been the owner), from time whereof the memory of man is not to the contrary, have been forced to the repair of, and of right ought to have repaired, one and a half rods in length of a certain wall adjoining to and on the side of a certain creek called Barking Creek, in the parish of Barking aforesaid, and within the limits, bounds, and confines of Westbury Level, and within the jurisdiction of this court, by reason of his and their tenure of the said lands; and that the said Thomas Spearman still of right ought to repair the same: And the jurors aforesaid, upon their said oath, do further present, that although the said wall hath been divers times in due manner presented to be out of repair, the said Thomas Spearman hath neglected and refused to repair the same, and that by and through the neglect

The presentment.

neglect and default of the said Thomas Spearman in that behalf and for want of the said wall being kept in due and sufficient repair a great deal of the said wall which so ought to be repaired by the said Thomas Spearman as aforesaid, to wit, thirty-eight feet or thereabouts in length of the said wall was blown up and washed away by a spring tide which happened on the twenty-eighth day of September now last past: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Thomas Spearman, by reason of his tenure of his said lands in Barking aforesaid, ought, at his said costs and charges, to repair, amend, and make good the said breach in the aforesaid wall.

And the said Thomas Spearman comes into court here on the same Saturday the fifth day of January, in the year of Our Lord 1765, in his proper person; and having heard the presentment aforesaid read, says, as to the premises in the said presentment specified, and therein laid to his charge, that he is not guilty thereof in manner and form as is therein alledged against him; and of this he puts himself upon the country; and John Bradley, clerk of the said commission of sewers, on the behalf of our sovereign lord the king, doth so likewise: Therefore in pursuance of the laws and statutes of sewers, and by virtue of the aforesaid commission of sewers of our lord the king, duly issued under the great seal of Great Britain, on the nineteenth day of June 1761, still in force, and extending into the respective counties of Essex, Middlesex, and Kent, Bamber Gascoyne, Samuel Wegg, Charles Smith, William Rayment, Pullen Allen, and Joseph Gascoyne, esquires, commissioners in the said commission named, three whereof, to wit, the said Bamber Gascoyne, Samuel Wegg, and Charles Smith, are therein and thereby nominated and appointed will require the sheriff of the said county of Essex that he return, summon, and cause to appear twelve honest and substantial men of his bailiwick, as well within liberties as without, qualified to serve on juries, and by whom the truth may be best known, to be and personally appear on Monday the twenty-first day of January instant, at ten of the clock in the forenoon, at the sign of the Green Man, in Great Ilford, in the county of Essex, before them or six of them, or such other six of his majesty's commissioners in the said commission named (three of them being of the quorum), who shall be then present, to make a jury of the county to try the issue aforesaid, and whereof as well the said John Bradley for our sovereign lord the king as the said Thomas Spearman have put themselves upon the country. The same day is given to the parties aforesaid there, &c.

Plea.

Hilary Term, 36. Geo. III.

MIDDLESEX. Be it remembered, that at the general session of the peace of our lord the king, holden in and for the county of Middlesex, at the session house for the said county, on Monday the fourteenth

Indictment for building so near the road that it was narrowed.

fourteenth day of September, in the thirty-fifth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. before William Mainwaring, William Bleamire, Edmund Pepys, William Hyde, esquires, and others their fellows, justices of our said lord the king assigned to keep the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the same county, by the oath of twelve jurors, good and lawful men of the county aforesaid, now here sworn and charged to enquire for our said lord the king for the body of the same county, it is presented in manner and form as follows, that is to say: Middlesex, ss. The jurors for our sovereign lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, hitherto there hath been and still is a certain public and common king's highway, leading from a certain public road and common king's highway called Mile End Road, in the parish of St. Dunstan Stebonheath, otherwise Stepney, in the county of Middlesex aforesaid, towards and unto a certain other public road and king's highway in the said parish and county, leading from that part of Mile End Green which is in the same parish and county towards and unto the hamlet of Ratcliffe, in the parish and county aforesaid, used for all the liege subjects of our lord the king and his predecessors to go, return, pass, and repass, with their cattle and carriages, at their free will and pleasure; and that on the twenty-first day of August, in the thirty-fifth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. at the parish aforesaid, in the county aforesaid, Robert Dousbery, late of the same parish of Saint Dunstan Stebonheath, otherwise Stepney, in the county of Middlesex aforesaid, builder, with force and arms, unlawfully and injuriously did dig up and subvert, and cause to be dug up and subverted, a great part, to wit, twenty yards in length, ten yards in breadth, and five yards in depth, of the earth and soil in and of the said highway so leading from the said road called Mile End Road to the said road leading from Mile End Green as aforesaid, and did also then and there unlawfully and injuriously erect and build, and cause to be erected and built in and upon the said highway so leading from the said road called Mile End Road to the said road leading from Mile End Green as aforesaid, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in heighth, of certain walls, erections, and buildings, made of bricks, mortar, and other materials, and the said part of the said walls, erections, and buildings, so as aforesaid erected and built, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, with force and arms, unlawfully and injuriously did uphold, maintain, and continue, and still doth uphold, maintain, and continue, whereby the said common highway so leading from the said road called Mile End Road to the said road leading from Mile End Green as aforesaid, on the said twenty-first day of August, in the thirty-fifth year aforesaid, and during all the time

The indictment.

time laſt aforeſaid, was, hath been, and is greatly obſtructed, narrowed, and ſtraitened, ſo that the liege ſubjects of our ſaid lord the king in, upon, and through the ſaid highway ſo leading from the ſaid road called Mile End Road to the ſaid road leading from Mile End Green as aforeſaid, during all that time could not, nor can now go, return, paſs, and repaſs, as they ought and were accuſtomed to do, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king going, returning, paſſing, and repaſſing, in, upon, and through the ſaid common highway ſo leading from the ſaid road called Mile End Road to the ſaid road leading from Mile End Green as aforeſaid, with their cattle and carriages, and againſt the peace of our ſaid lord the now king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Robert Douſbery, on the twenty-firſt day of Auguſt, in the thirty-fifth year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully and injuriouſly did dig up and ſubvert, and cauſe to be dug up and ſubverted, a great part, to wit, twenty yards in length, five yards in breadth, and five yards in depth of the earth and ſoil in and of a certain lane there called Wright's Lane, otherwiſe White Horſe Lane (the ſame lane then and ſtill being a common and public king's highway there uſed for all the liege ſubjects of our lord the king to go, return, paſs, and repaſs, with their cattle, at their free will and pleaſure), and did alſo then and there unlawfully and injuriouſly erect and build, and cauſe to be erected and built, in and upon a certain part of the ſaid laſt-mentioned highway there a great part of certain other walls, erections, and buildings, made of bricks, mortar, and other materials, containing in length twenty yards, in breadth ten yards, and in heighth ten yards, and the ſaid part of the ſaid walls, erections, and buildings, ſo as laſt aforeſaid erected and built, he the ſaid Robert Douſbery, upon and from the ſaid twenty-firſt day of Auguſt, in the thirty-fifth year aforeſaid, until the day of taking this inquiſition, at the pariſh aforeſaid, in the county aforeſaid, with force and arms, unlawfully and injuriouſly did uphold, maintain, and continue, and ſtill doth uphold, maintain, and continue, whereby the ſaid laſt-mentioned highway for and during all the time laſt aforeſaid was and ſtill is greatly obſtructed, narrowed, and ſtraitened, ſo that the liege ſubjects of our ſaid lord the king could not nor can now go, return, paſs, and repaſs, in, through, by, and along the ſame, as they of right ought and were accuſtomed to do, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king going, returning, paſſing, and repaſſing, in, upon, and through the ſaid laſt-mentioned highway with their cattle and carriages, and againſt the peace of our ſaid lord the now king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that from time whereof the memory of man is not to the contrary, hitherto there hath been and till is a certain common and public footway leading from a certain public road and common king's highway called Mile End Road, in the pariſh and county aforeſaid, unto and into, through,

2d Count, for building in the lane.

3d Count, on the footway.

over, and along a certain close or piece of land situate, lying, and being in the parish and county aforesaid, and now in the possession of the said Robert Dousbery, towards and unto a certain other public road and king's highway in the said parish and county, leading from that part of Mile End Green which is in the parish aforesaid, in the county aforesaid, to the hamlet of Ratcliffe, in the same parish and county, used for all the liege subjects of our said lord the now king and his predecessors to go, return, pass, and repass on foot every year at all times of the year, at their free will and pleasure: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Dousbery, on the said twenty-first day of August, in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did dig up and subvert, and cause and procure to be dug up and subverted, a great part, to wit, twenty yards in length, ten yards in breadth, and five yards in depth, of the earth and soil in and of the said footway, and then and there unlawfully and injuriously did erect and build, and cause and procure to be erected and built, in, upon, and across the said footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in heighth, of certain walls, erections, and buildings made of brick, mortar, and other materials, and the said part of the said walls, erections, and buildings, so as last aforesaid erected and built, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of taking this inquisition, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously hath continued, and still doth continue, whereby the liege subjects of our said lord the king, during all the time last aforesaid, could not, nor can they now go, return, pass, and repass, in, through, along, and over the said footway, as they before used and were accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, along, and over the said footway, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof the memory of man is not to the contrary, hitherto there hath been and still is a certain other common and public footway leading from and out of a certain common and public king's highway in the parish and county aforesaid, called Wright's Lane, otherwise White Horse Lane, at one part thereof, unto and into, through, over, and along a certain close or piece of land there also situate, lying, and being, and thereto contiguous and next adjoining, and in the possession of the said Robert Dousbery, unto a certain other part of the said king's highway called Wright's Lane, otherwise White Horse Lane, used for all the liege subjects of our said lord the now king and his predecessors to go, return, pass, and repass, on foot, every year at all times of the year, at their free will and pleasure: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Dousbery, on the said twenty-first day of August, in

4th Count, footway called Wright's Lane.

in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did dig up and subvert, and cause and procure to be dug up and subverted, a great part, to wit, twenty yards in length, ten yards in breadth, and five yards in depth, of the earth and soil in and of the said last-mentioned footway, and then and there unlawfully and injuriously did erect and build, and cause and procure to be erected and built, in, upon, and across the said last-mentioned footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in heighth, of certain other walls, erections, and buildings, made of brick, mortar, and other materials; and the said part of the said walls, erections, and buildings, so as last aforesaid erected and built, he the said Robert Dousbery upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of taking this inquisition, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously hath continued and still doth continue, whereby the liege subjects of our said lord the king during all the time last aforesaid could not, nor can they now go, return, pass, and repass, in, through, along, and over the said last-mentioned footway as they before used and were accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, along, and over the said last-mentioned footway, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof the memory of man is not to the contrary, there hath been and still is a certain common way leading from the said public road and common king's highway called Mile End Road, in the parish and county aforesaid, unto and into, through and over a certain other close or piece of land in the said parish and county, in the possession of the said Robert Dousbery, to the church of the same parish there, for all the liege subjects of our lord the king and his predecessors to go, return, pass, and repass, on foot, at their free will and pleasure; and that the said Robert Dousbery, on the said twenty-first day of August, in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously dug up and subverted, and caused and procured to be dug up and subverted, divers, to wit, thirty yards of the earth and soil in and of the said last-mentioned footway, and unlawfully and injuriously erected and built, and caused and procured to be erected and built, in and upon the said last-mentioned footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in heighth, of certain other walls, erections, and buildings, made of bricks, mortar, and other materials, and the said part of the said walls and other erections and buildings so by him erected and built as last aforesaid, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, hitherto unlawfully and injuriously hath continued and *upheld*, and still doth continue and uphold, by reason whereof the said last-mentioned

5th Count, footway to the parish church.

footway hath, for and during all the time laſt aforeſaid, been blocked up and obſtructed, ſo that the liege ſubjects of our ſaid lord the king could not during all the time laſt aforeſaid, nor can they now go, return, paſs, and repaſs, in, along, and through the ſaid laſt-mentioned way there as they ought and were uſed and accuſtomed to do, and ſtill of right ought to do, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king having occaſion to go, return, paſs, and repaſs, in, through, and along the ſaid laſt-mentioned way there, and againſt the peace of our ſaid lord the now king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Robert Douſbery, on the ſaid twenty-firſt day of Auguſt, in the thirty-fifth year aforeſaid, with force and arms, at the pariſh aforeſaid, in the ſaid county of Middleſex, unlawfully and injuriouſly did dig up and ſubvert, and cauſe and procure to be dug up and ſubverted, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in depth, of a certain other common and public footway there uſed for all the liege ſubjects of our lord the king to go, return, paſs, and repaſs, at their free will and pleaſure, and did alſo then and there unlawfully and injuriouſly put, place, and lay, and cauſe to be put, placed, and laid, divers, to wit, twenty cart loads of bricks, five cart loads of mortar, and twenty cart loads of rubbiſh, in, upon, and acroſs the ſaid laſt-mentioned footway, and alſo then and there unlawfully and injuriouſly did erect and build, and cauſe and procure to be erected and built, in, over, and acroſs the ſaid laſt-mentioned footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in heighth, of certain other walls, erections, and buildings, made of bricks, mortar, and other materials, and the ſaid bricks, mortar, and rubbiſh, ſo by the ſaid Robert Douſbery put, placed, and laid as aforeſaid, and the ſaid part of the ſaid walls, erections, and buildings, ſo by him erected and built as laſt aforeſaid, he the ſaid Robert Douſbery, from the ſaid twenty-firſt day of Auguſt, in the thirty-fifth year aforeſaid, until the day of the taking of this inquiſition, at the pariſh aforeſaid, in the county aforeſaid, unlawfully and injuriouſly did continue, and ſtill doth continue; by reaſon whereof the footway laſt aforeſaid, during all the time laſt aforeſaid, was and ſtill is blocked up and obſtructed, ſo that the liege ſubjects of our ſaid lord the king through the ſaid laſt-mentioned footway could not during all the time laſt aforeſaid, nor can they now go, return, paſs, and repaſs, as they ought or were wont to do, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king having occaſion to go, return, paſs, and repaſs, through, over, and along the ſaid laſt-mentioned footway, and againſt the peace of our ſaid lord the now king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Robert Douſbery, on the ſaid twenty-firſt day of Auguſt, in the thirty-fifth year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully and injuriouſly did obſtruct and ſtop up, and cauſe and procure to be obſtructed and ſtopped up, a certain other public and common

6th Count, a public footway.

7th Count, enumerating the buildings, and ſtating the meaſure and extent.

footway there, in, through, along, and over a certain other close or piece of land there, in the possession of him the said Robert Dousbery, used for all the liege subjects of our lord the king to go, return, pass, and repass, at their free will and pleasure, by then and there erecting, setting up, and placing, and causing and procuring to be erected, set up, and placed, in, upon, and across the said last-mentioned footway, divers, to wit, six walls, six erections, and six buildings made of bricks, mortar, and other materials, and each and every of the said last-mentioned walls, erections, and buildings being of a great length, breadth, and heighth, to wit, of the length of ten yards, of the breadth of ten yards, and of the heighth of ten yards; and the said last-mentioned footway, so as aforesaid obstructed and stopped up, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of taking this inquisition, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously hath continued, and still doth continue, whereby the liege subjects of our said lord the king, during all the time last aforesaid, could not nor can they now go, return, pass, and repass, in, through, over, and along the said last-mentioned footway, as they before used and were accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, over, and along the said last-mentioned footway, and against the peace of our said lord the king, his crown and dignity.

Pleas before our lord the king at Westminster of trinity term in the thirty-third and thirty-fourth year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c.

ROLL.

Among the pleas of the king.

Record of an indictment for a nuisance in erecting a gate on the highway.

SOME time ago (that is to say), on Thursday the eleventh day of January, in the thirty-second year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, and in the year of Our Lord 1759, at the general quarter sessions of the peace of our lord the king, held at Lewes, in and for the said county, before Elfred Staples, esquire, Richard Ridout, John Bridger, William Poole, Luke Speme, George Cornthop, John Fuller, Stephen Fuller, and Francis Warden, esquires, justices of our said lord the king, assigned to keep the peace in the county of Sussex, and also to hear and determine divers felonies, trespasses, and other ill deeds done and committed in the said county, upon the oath of twelve jurors, honest and lawful men of the body of the said county aforesaid, sworn and charged upon their oath to enquire for our said lord the king, and the body of the county aforesaid, it was presented as followeth, that is to say, Sussex.

The jurors for our lord the king upon their oath present, that Nathaniel Pigram, late of the ancient town of Rye, in the county of Suſſex, gentleman, on the firſt day of January, in the thirty-ſecond year of the reign of our ſovereign lord George the Second, now king of Great Britain, &c. and continually afterwards, until the day of taking this inquiſition, with force and arms, at the pariſh of Playden, in the county aforeſaid, acroſs the king's common highway, near the lower end of a certain ſtreet or lane, commonly called Sawkett-ſtreet, otherwiſe Salked-ſtreet, leading from the pariſh church of Playden aforeſaid, to the Salls there often overflowed by the ſea, did, and ſtill doth wilfully, voluntarily, and obſtinately uphold, maintain, and continue a certain gate, poſts, rails, and fence, and the king's common highway aforeſaid, by means thereof hath not only unlawfully incloſed, but alſo obſtructed and ſtopped up, ſo that the liege ſubjects of our ſaid lord the king, in, by, and through the king's common highway aforeſaid, could not during the time aforeſaid, nor yet can go, return, paſs, and labour as they ought and were wont to do, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king, in, by, and through the king's common highway aforeſaid going, returning, paſſing, and labouring, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Nathaniel Pigram, on the ſaid firſt day of January, in the thirty-ſecond year of the reign of our ſaid lord the king, and continually afterwards until the day of the taking of this inquiſition, with force and arms, at the pariſh of Playden aforeſaid, in the ſaid county of Suſſex, nearer the lower end of the ſaid ſtreet or lane, called Sawkett-ſtreet, otherwiſe Salked-ſtreet, a certain other fence of poſts and rails acroſs the ſaid king's common highway, did, and ſtill doth voluntarily and obſtinately uphold, maintain, and continue, whereby the ſaid highway is not only incloſed, but alſo obſtructed and ſtopped up, ſo that the liege ſubjects of our ſaid lord the king, in, by, and through the king's common highway aforeſaid, could not during the time aforeſaid, nor yet can go, return, paſs, and labour as they ought and were wont to do, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king, in, by, and through the king's common highway aforeſaid, going, returning, paſſing, and labouring, and againſt the peace of our ſaid lord the king, his crown and dignity: which ſaid indictment our ſaid lord the king afterwards, for certain reaſons, cauſed to be brought before him, to be determined according to the law and cuſtom of England; wherefore the ſheriff of the ſaid county of Suſſex was commanded that he ſhould not forbear by reaſon of any liberty in his bailiwick, but that he ſhould cauſe him to come to anſwer to our ſaid lord the king, touching and concerning the premiſes aforeſaid: And now (that is to ſay), on Friday next after the morrow of the Holy Trinity, in this ſame term, before our ſaid lord the king, at Weſtminſter, cometh the ſaid Nathaniel Pigram,

Certiorari.

Pigram, by John Wace, his attorney, and having heard the ſaid indictment read, he ſaith that he is not guilty thereof, and hereupon he putteth himſelf upon the country, and James Burrow eſquire, coroner and attorney of our ſaid lord the king, in the court of our ſaid lord the king, before the king himſelf, who for our ſaid lord the king in this behalf proſecuteth, doth the like.

LIBEL.

LONDON, At the general ſeſſion of oyer and terminer of our lord the king, holden for the city of London, at Juſtice Hall, in the Old Bailey, in the pariſh of St. Sepulchre, in the ward of Farringdon Without, in London aforeſaid, on Wedneſday, the twentieth day of February, in the thirty-third year of the reign of our ſovereign lord George the Third, king of Great Britain, &c.

Indictment against a bookſeller for publiſhing a libel on the king and conſtitution, viz. Paine's "Rights of Man, Part II."

LONDON, to wit. The jurors for our lord the king upon their oath preſent, that Daniel Iſaac Eaton, late of the pariſh of St. Botolph Without, Biſhopſgate, in the ward of Biſhopſgate, in the city of London aforeſaid, bookſeller, being a wicked, malicious, ſeditious, and ill-diſpoſed perſon, and being greatly diſaffected to our ſovereign lord the now king, and to the conſtitution and government of this kingdom, and moſt unlawfully, wickedly, ſeditiouſly, and maliciouſly deviſing, contriving, and intending to ſcandalize, traduce, and vilify our ſaid lord the now king, and the hereditary ſucceſſion to the crown and regal government of this kingdom, as by law eſtabliſhed, and to alienate and withdraw from our preſent ſovereign lord the now king, the true and due obedience, fidelity, and allegiance of his ſubjects, and wickedly and ſeditiouſly to diſturb the peace and tranquillity of this kingdom, on the ſeventeenth day of January, in the thirty-third year of the reign of our ſaid preſent ſovereign lord the king, with force and arms, at the pariſh aforeſaid, in the ward aforeſaid, in London aforeſaid, he the ſaid D. I. Eaton, unlawfully, wickedly, maliciouſly, and ſeditiouſly did publiſh and cauſe to be publiſhed a certain ſcandalous, malicious, and ſeditious libel, entitled, "Rights of Man, Part II. combining Principle and Practice, by "Thomas Paine, Secretary for Foreign Affairs to Congreſs, in "the American War; and Author of the Works entitled Common "Senſe, and the Firſt Part of the Rights of Man." London, printed by H. D. Symonds, Pater-noſter-row, 1792. In which ſaid libel are contained (amongſt other things) divers ſcandalous and malicious and ſeditious matters of and concerning the hereditary ſucceſſion to the crown and royal government of this kingdom as by law eſtabliſhed (that is to ſay), in one part thereof, according to the tenor and effect following (that is to ſay) "It

" cannot be proved by what right hereditary government (mean-
" ing amongſt other things the ſaid hereditary government of this
" kingdom) could begin, neither does there exiſt within the
" compaſs of mortal power a right to eſtabliſh it (meaning ſuch
" hereditary government). Man has no authority over poſterity
" in matter of perſonal right, and therefore no man or body of men
" had or can have a right to ſet up hereditary government
" (meaning amongſt other things, the hereditary government of
" this kingdom);" and another part according to the tenor and effect following, that is to ſay, " hereditary ſucceſſion (meaning amongſt
" other things the ſaid hereditary ſucceſſion to the government of
" this kingdom) is a burleſque upon monarchy, it puts it in the
" moſt ridiculous light, by preſenting it as an office which any child
" or ideot may fill. It requires ſome talents to be a common me-
" chanic, but to be a king requires only the animal figure of man,
" a ſort of breathing automaton! this ſort of ſuperſtition may laſt
" a few years, but it cannot long reſiſt the awakened reaſon
" and intereſt of man;" and in another part thereof according to the tenor and effect following, that is to ſay, " A government
" calling itſelf free, with an hereditary office (meaning amongſt
" other things, the government of this kingdom, with an here-
" ditary office of king thereof), is like a thorn in the fleſh, that
" produces a fermentation which endeavours to diſcharge it;" and in another part thereof, according to the tenor and effect following, that is to ſay, " Hereditary ſyſtem (meaning amongſt other
" things the hereditary ſyſtem of ſucceſſion to the crown of this
" kingdom), therefore is repugnant to human wiſdom, as to
" human rights, and it is as abſurd as it is unjuſt." And in another part thereof, according to the tenor and effect following, that is to ſay, " Whether I have too little ſenſe to ſee, or too much
" to be impoſed upon, whether I have too much or too little
" pride, or of any thing elſe, I leave out of the queſtion, but certain
" it is, that what is called monarchy (meaning amongſt other
" things the monarchy of this kingdom) always appears to me
" a ſilly contemptible thing. I compare it to ſomething kept
" behind a curtain, about which there is a great deal of buſtle
" and fuſs, and a wonderful air of ſecuring ſolemnity; but when
" by any accident the curtain happens to be open and the com-
" pany ſee what it is, they burſt into laughter." And in another part thereof, according to the tenor and effect following, that is to ſay, " That monarchy (meaning amongſt other things the mo-
" narchy of this kingdom) is all a bubble, and mere court artifice
" to procure money, is evident, at leaſt to me, in every character
" in which it can be viewed." And in another part thereof, according to the tenor and effect following, that is to ſay, " It can
" only be blinding the underſtanding of man, and making him
" believe that government is ſome wonderful myſterious thing,
" that exceſſive revenues are obtained, monarchy (meaning
" amongſt other things the monarchy of this kingdom) is well
" calculated to inſure this end, it is the popery of government,
" a thing

"a thing kept up to amuſe the ignorant, and quiet them into taxes." In contempt of our ſaid lord the now king, in open violation of the laws of this kingdom, and to the great danger of our happy conſtitution, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

LONDON, to wit. At the general ſeſſions of oyer and terminer of our lord the king, holden for the city of London, at Juſtice Hall in the Old Bailey, within the pariſh of St. Sepulchre, in the Ward of Farringdon Without, in London aforeſaid, on Wedneſday the fourth day of December, in the thirty-fourth year of the reign of our ſovereign lord George the Third, by the grace of God king of Great Britain, &c.

Indictment for a libel on the king.

LONDON, to wit. The jurors for our lord the king upon their oath preſent, that D. I. Eaton, late of London, bookſeller, being a wicked, malicious, ſeditious, and evil diſpoſed perſon, and greatly diſaffected to our ſaid lord the king, and to his adminiſtration of government of this kingdom, and unlawfully, maliciouſly, and ſeditiouſly contriving, deviſing, and intending to ſcandalize, traduce, and vilify our ſaid lord the king, and to alienate and withdraw the fidelity, affection, and allegiance of his ſaid majeſty's ſubjects from his ſaid majeſty's perſon and government, on the eighteenth day of November, in the year of Our Lord 1793, at London aforeſaid, in the pariſh of St. Mary-le-Bow, in the ward of Cheap, unlawfully, maliciouſly, and ſeditiouſly did publiſh and cauſed to be publiſhed, a certain pamphlet, intitled "Politics for the "People, or Hog's Waſh," containing therein among many other things certain ſcandalous, malicious, inflammatory, and ſeditious matters of and concerning our ſaid lord the king, that is to ſay, "You "muſt known then (meaning know) that I uſed, together with a "variety of youthful attachments, to be very fond of birds and "poultry, and among other things of this kind, I had a very fine "majeſtic kind of an animal, a game cock (meaning thereby "to denote and repreſent our ſaid lord the king a haughty, "ſanguinary tyrant, immerſed in blood and ſlaughter from his "infancy, fond of foreign wars and domeſtic rebellions, into which "he would ſometimes drive his ſubjects by his oppreſſive obſtinacy, "in hopes that he might increaſe his power and glory by their "ſuppreſſion) now the haughty old tyrant (again meaning our "ſaid lord the king) would never let my farm yard be quiet, for "not content with devouring by far the greater part of the grain, "which was ſcattered for the mornings and evenings repaſt, "and ſnatching at every little treaſure that the toil of more induſ-"trious birds might happen to ſcratch out of the bowels of the "earth, the reſtleſs deſpot (meaning our ſaid lord the king) muſt "always be picking and cuffing at the poor doves and pullets, "and little defenceleſs chickens, ſo that they could never eat the

"ſcanty

" ſcanty remnant which his inordinate taxation left them in peace " and quietneſs; now, though there were ſome ariſtocratic pre- " judices hanging about me from my education, ſo that I could " not help looking with ſome conſiderable reverence upon the " majeſtic decorations of the perſon of king chanticleer (meaning " our ſaid lord the king), ſuch as his ermine ſpotted breaſt, the " fine gold trappings about his neck and ſhoulders, the flowing " robe of plumage, tucked up at his rump, and above all the fine " ornamented thing about his head there, his crown or coxcomb, " I believe you call it (however the diſtinction is not very im- " portant), yet I had even at that time ſome lurking principles of " averſion here forced deſpotiſm ſtruggling at my heart, which " would ſometimes whiſper to me, that the beſt thing one could " do either for cocks and hens, or men and women, was to rid " the world of tyrants (meaning our ſaid lord the king among " others), whoſe ſhrill martial clarions (the provocations to fame " and murder) diſturbed the repoſe, and deſtroyed the happineſs " of their reſpective communities; ſo I believe if guillotines had " been in faſhion I ſhould certainly have guillotined him, being " deſirous to be merciful even in the ſtroke of death, and know- " ing the inſtant the brain is ſeparated from the heart (which " with this inſtrument is done in a moment), pain and con- " ſciouſneſs is at an end, while the lingering fortune of the rope " may procraſtinate the pang for half an hour; however I ma- " naged the buſineſs very well, for I caught Mr. Tyrant by the " head, and dragging him immediately to the block, with a " heavy knife in my hand ſeparated his neck at a blow, and what " will ſurpriſe you very much, when his fine trappings were ſtripped " off, I found he was no better than a common ſcratch dunghill " pullet; no, nor half ſo good, for he was tough and oily and rank, " with pollutions of his luxurious vices." In contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid D. I. Eaton ſo being ſuch a perſon as aforeſaid, and ſo deviſing, contriving, and intending as aforeſaid, afterwards, to wit, on the ſaid eighteenth day of November, in the ſaid year of our lord 1793, at London aforeſaid, &c. unlawfully, maliciouſly, and ſeditiouſly did publiſh, and cauſe and procure to be publiſhed, a certain other printed pamphlet, containing therein, amongſt other things, certain ſcandalous, malicious, inflammatory, and ſeditious matters of and concerning our ſaid lord the king, according to the tenor and effect following, that is to ſay, " I had a very fine majeſtic " kind of animal, a game-cock (meaning thereby to denote " and repreſent our lord the king); a haughty, ſanguinary tyrant, " immerſed in blood and ſlaughter from his infancy; fond of foreign " wars and domeſtic rebellions, into which he (meaning our ſaid " lord the king) would drive his ſubjects, by his oppreſſive obſti- " nacy, in hopes that he might increaſe his power and glory by

" their

"their suppression," in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, &c. (3d count same as 2d, on the following part of the libel): "The reflections of a true "Briton;—kings (meaning our sovereign lord the king, among "others) are wolf-shepherds. Homer stiles them devourers of "the people; and they do not appear to have lost their original "taste," in contempt, &c. to the evil and pernicious example, &c. and against the peace, &c.

For composing and publishing malicious and obscene verses on prosecutor and his wife, and libelling them in certain pictures or impressions.

LONDON, To wit. The jurors for our sovereign lord the now king upon their oath present, that one Richard Shepley, from his nativity until the time of the taking this inquisition, hath been a person of good name, fame, and credit; and as such hath for and during all the time aforesaid been reputed, esteemed, and respected by and amongst all good and worthy liege subjects of our sovereign lord the king, to whom he was in any wise known; and that the said Richard Shepley, at the several and respective times hereinafter mentioned, was and yet is a married man: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Richard Shepley, before and at the several times hereinafter mentioned, was and yet is a miller, and the trade and business of a miller hath used, exercised, and followed, and still doth use, exercise, and follow, in a certain place called, &c. in, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that Thomas Sabine, late of, &c. printer, being a malicious and seditious person, and of a wicked disposition, and most unlawfully, maliciously, unjustly, devising, designing, contriving, and intending (as much as in him lay) to injure the said Richard Shepley in his aforesaid good name, fame and credit, and to bring him into public scandal, infamy, disgrace, hatred and contempt, with and amongst all the good and worthy liege subjects of our said lord the now king, to whom he was in anywise known, and also to disturb, molest, and disquiet him the said Richard Shepley, and to disturb his domestic peace and happiness, and to traduce, scandalize, and villify him the said Richard Shepley; and also most unlawfully, maliciously, and unjustly devising, designing, contriving, and intending to represent, suggest, and insinuate, and to make it be credited and believed that the said Richard Shepley was and is a libidinous, immoral, lewd, debauched, and ill-disposed person, and wickedly, wrongfully, and unjustly to injure the said Richard Shepley in his trade and business aforesaid, and to impoverish and wholly ruin him, the said Thomas Sabine, on, &c. in the sixteenth year of, &c. in the ward of, &c. falsely and maliciously, unlawfully, wickedly, wilfully, and designedly did print, and did then and there falsely and maliciously cause and procure to be printed of and concerning the said Richard Shepley, a certain false, scandalous, infamous, malicious, and obscene libel, in the

form

form of a ſong, entitled "The Miller and Laundreſs, a new Song, founded on Facts," and containing in itſelf falſe, ſcandalous, infamous, malicious, and obſcene verſes and matter, to the tenor following of and concerning the ſaid Richard Shepley (that is to ſay): Near Wandſworth town this fam'd miller [meaning the ſaid Richard Shepley] does dwell; If his [meaning the ſaid Richard Shepley's] name is left out, it may do full as well; His wife brought him a fortune [meaning that the wife of the ſaid Richard Shepley was poſſeſſed of a fortune at the time of her marriage with the ſaid Richard Shepley], and he's a tall man, But what his wife [meaning the wife of the ſaid Richard Shepley] long'd for, he [meaning the ſaid Richard Shepley] often gives Nan." — (Go through with the whole libel, with proper innuendos: the remaining part of that in the preſent caſe was as follows:

II.

"The miller, of late, went on bus'neſs to France,
"But poor Nancy was bound to curſe this queer dance;
"For every day 'till J—n S——y came back,
"Nan's miſtreſs made her quite ſick of her clack.

III.

"When the miller return'd, his wife loudly exclaim'd
"Againſt Nanny; then he cry'd, Are you not aſham'd
"To uſe my poor wife in the manner you do;
"Who the devil would keep ſuch a baggage as you?

IV.

"The wife was well pleas'd, and rejoic'd in her heart,
"To find that ſo tenderly he took her part;
"He, to humour the joke, turn'd the wanton away,
"But then near Saint James's kept up the old play.

V.

"She liv'd there in ſervice; he'd oft for her ſend,
"Where he paſs'd for no more than relation or friend;
"Tho' 'twas difficult ſometimes to do matters clean,
"So to Marybone now he's remov'd his fair queen.

VI.

"Now three times a-week, when he's done at Bear-key,
"There's none are ſo happy as Nanny and he;
"She goes for a laundreſs, and ſtands at the tub,
"Till Jack comes to play the tune Rub-a-dub, dub.

VII.

"His honeſt wife now ſits contented at home,
"While he runs a rambling to Mary-le-bone;
"The firſt thing he does, when he's done at Bear-key,
"Is to dine with his Nanny—then kiſs, and drink tea.

VIII.

"After this he comes home, to prevent having ſtrife,
"And talks, and looks pleaſant, and ſups with his wife;
"Then loving together they both go to bed,
"And his wife gets the ſpoon with which Nan has been fed."

Derry down, &c. &c.

And

And the jurors aforesaid, upon their oath aforesaid, do further present, that in order the more effectually to complete, accomplish, perfect, and bring to effect the purposes aforesaid, so as aforesaid unlawfully, maliciously, and unjustly devised, designed, contrived, and intended by the said Thomas Sabine, he the said Thomas Sabine did then, to wit, on the said, &c. at London aforesaid, &c. unlawfully, maliciously, wickedly, wilfully, and designedly, mark, print, and impress, and unlawfully, &c. cause and procure to be marked, printed, and impressed on the said false, &c. libel, so printed by the said Thomas Sabine in manner aforesaid, certain scandalous, ludicrous, and obscene pictures, designs, prints and devices, representing, and intending by the said Thomas Sabine to represent the said Richard Shepley in a scandalous, ludicrous, and obscene manner: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Thomas Sabine, in order to effect and accomplish the purpose aforesaid, did then, to wit, on the said, &c. with force and arms, at London aforesaid, &c. to wit, in the public street and king's common highway, there called Mark-lane, before and near unto a certain building, there called and known by the name of the Corn-market (at which place he the said Richard Shepley then was, and for a long time then last past had been used and accustomed to deal and traffic, in the way of his said trade and business of a miller, and whereat there were assembled and met together a great number of the liege subjects of our sovereign lord the now king), unlawfully, &c. cause and procure the said false libel so printed by him the said Thomas Sabine in manner aforesaid, to be published and to be sung, said, spoken, uttered, and pronounced with loud voices, and in a public and open manner, and to be distributed about and delivered, together with the said scandalous, &c. pictures, &c. so marked, &c. thereon, to divers of the liege subjects of our said sovereign lord the king there then present standing and being, to the great damage, scandal, infamy, disgrace, and injury of the said Richard Shepley, in contempt of our said sovereign lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity, &c. C. RUNNINGTON.

Indictment for a libel in hanging in effigy the prosecutor (a waterman) near the place where he was accustomed to ply.

THE jurors for our sovereign lord the king, upon their oath present, that Thomas Wade, late of the parish of Saint Mary Rotherhithe, in the county of Surry, waterman; John Hughes, late of the same place, cordwainer; John Spencer, late of the same place, waterman; being persons of envious, uncharitable, wicked, and malicious minds and dispositions, and unlawfully, wickedly, and maliciously devising, contriving, and intending, as much as in them lay, to injure, oppress, aggrieve, and villify the good name, fame, credit, and reputation of Mr. Monk, a good, peaceable, and well-disposed subject of our lord the king, and to bring him into great scandal, infamy, contempt, ridicule, and disgrace,

footway hath, for and during all the time laſt aforeſaid, been blocked up and obſtructed, ſo that the liege ſubjects of our ſaid lord the king could not during all the time laſt aforeſaid, nor can they now go, return, paſs, and repaſs, in, along, and through the ſaid laſt-mentioned way there as they ought and were uſed and accuſtomed to do, and ſtill of right ought to do, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king having occaſion to go, return, paſs, and repaſs, in, through, and along the ſaid laſt-mentioned way there, and againſt the peace of our ſaid lord the now king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Robert Douſbery, on the ſaid twenty-firſt day of Auguſt, in the thirty-fifth year aforeſaid, with force and arms, at the pariſh aforeſaid, in the ſaid county of Middleſex, unlawfully and injuriouſly did dig up and ſubvert, and cauſe and procure to be dug up and ſubverted, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in depth, of a certain other common and public footway there uſed for all the liege ſubjects of our lord the king to go, return, paſs, and repaſs, at their free will and pleaſure, and did alſo then and there unlawfully and injuriouſly put, place, and lay, and cauſe to be put, placed, and laid, divers, to wit, twenty cart loads of bricks, five cart loads of mortar, and twenty cart loads of rubbiſh, in, upon, and acroſs the ſaid laſt-mentioned footway, and alſo then and there unlawfully and injuriouſly did erect and build, and cauſe and procure to be erected and built, in, over, and acroſs the ſaid laſt-mentioned footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in heighth, of certain other walls, erections, and buildings, made of bricks, mortar, and other materials, and the ſaid bricks, mortar, and rubbiſh, ſo by the ſaid Robert Douſbery put, placed, and laid as aforeſaid, and the ſaid part of the ſaid walls, erections, and buildings, ſo by him erected and built as laſt aforeſaid, he the ſaid Robert Douſbery, from the ſaid twenty-firſt day of Auguſt, in the thirty-fifth year aforeſaid, until the day of the taking of this inquiſition, at the pariſh aforeſaid, in the county aforeſaid, unlawfully and injuriouſly did continue, and ſtill doth continue; by reaſon whereof the footway laſt aforeſaid, during all the time laſt aforeſaid, was and ſtill is blocked up and obſtructed, ſo that the liege ſubjects of our ſaid lord the king through the ſaid laſt-mentioned footway could not during all the time laſt aforeſaid, nor can they now go, return, paſs, and repaſs, as they ought or were wont to do, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king having occaſion to go, return, paſs, and repaſs, through, over, and along the ſaid laſt-mentioned footway, and againſt the peace of our ſaid lord the now king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Robert Douſbery, on the ſaid twenty-firſt day of Auguſt, in the thirty-fifth year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully and injuriouſly did obſtruct and ſtop up, and cauſe and procure to be obſtructed and ſtopped up, a certain other public and common

6th Count, a public footway.

7th Count, enumerating the buildings, and ſtating the meaſure and extent.

footway there, in, through, along, and over a certain other close or piece of land there, in the possession of him the said Robert Dousbery, used for all the liege subjects of our lord the king to go, return, pass, and repass, at their free will and pleasure, by then and there erecting, setting up, and placing, and causing and procuring to be erected, set up, and placed, in, upon, and across the said last-mentioned footway, divers, to wit, six walls, six erections, and six buildings made of bricks, mortar, and other materials, and each and every of the said last-mentioned walls, erections, and buildings being of a great length, breadth, and heighth, to wit, of the length of ten yards, of the breadth of ten yards, and of the heighth of ten yards; and the said last-mentioned footway, so as aforesaid obstructed and stopped up, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of taking this inquisition, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously hath continued, and still doth continue, whereby the liege subjects of our said lord the king, during all the time last aforesaid, could not nor can they now go, return, pass, and repass, in, through, over, and along the said last-mentioned footway, as they before used and were accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, over, and along the said last-mentioned footway, and against the peace of our said lord the king, his crown and dignity.

Pleas before our lord the king at Westminster of trinity term in the thirty-third and thirty-fourth year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c.

ROLL.

Among the pleas of the king.

Record of an indictment for a nuisance in erecting a gate on the highway.

SOME time ago (that is to say), on Thursday the eleventh day of January, in the thirty-second year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, and in the year of Our Lord 1759, at the general quarter sessions of the peace of our lord the king, held at Lewes, in and for the said county, before Elfred Staples, esquire, Richard Ridout, John Bridger, William Poole, Luke Speme, George Cornthop, John Fuller, Stephen Fuller, and Francis Warden, esquires, justices of our said lord the king, assigned to keep the peace in the county of Sussex, and also to hear and determine divers felonies, trespasses, and other ill deeds done and committed in the said county, upon the oath of twelve jurors, honest and lawful men of the body of the said county aforesaid, sworn and charged upon their oath to enquire for our said lord the king, and the body of the county aforesaid, it was presented as followeth, that is to say, Sussex.

the court-rolls of the manor aforesaid, did produce and read in evidence certain of the said court-rolls of the said manor, as well touching and concerning the aforesaid cottages so formerly being one undivided cottage as aforesaid, as touching and concerning a certain croft of Land called Saffron Garden, also situate within, and part and parcel of the said manor of Weathersfield, and a customary tenement thereof: And the said now jurors, upon their oath aforesaid, do further present, that amongst the said court-rolls so produced and read in evidence by the said Charles Clubb, as such witness as aforesaid at and upon the said trial, he the said Charles Clubb did produce and read in evidence a certain grant which had been and was before then made by the then lord of the said manor unto the said Samuel Perry, of the said croft of land, called Saffron Garden, together with the admission of him the said Samuel Perry thereto as tenant thereof, upon a certain surrender before then made thereof by one W. Waring, since deceased, and Hannah his wife; and also a certain admission of one Walter, late of Edmonstone Grove, near Roxford, in the county of Suffolk, esquire, son of said Walter Waring, deceased, as tenant of said several cottages herein-before mentioned (so formerly being one undivided cottage as aforesaid) as and by, and under the description of one cottage, distinct and separate from the said croft of land called Saffron Garden; and that at and upon the said trial, it became and was a material question, whether the said cottages, so formerly being one undivided cottage as aforesaid, and for one of which said cottages the said ejectment was so brought as aforesaid, were parcel of the premises granted unto him the said Samuel Perry, in and by the said grant so to him made, upon the said surrender of the said Walter Waring, deceased, and Hannah his wife, as aforesaid: And the said now jurors, upon their oath aforesaid, do further present, that the said Samuel Perry being a person of a wicked, malicious, and evil mind and disposition, and wickedly and maliciously designing and intending (as much as in him lay) to defame, asperse, and villify the character of the said Charles Clubb, upon the seventeenth day of July, in the thirty-third year aforesaid, with force and arms, at the parish of Weathersfield aforesaid, in the said county of Essex, unlawfully, maliciously, and wickedly *did publish*, and cause and procure *to be published*, a certain false, wicked, scandalous, malicious, and defamatory libel, of and concerning him the said Charles Clubb, as such steward of the court of the said manor of Weathersfield as aforesaid, and of and concerning the evidence given by him the said Charles Clubb as such witness as aforesaid at and upon the aforesaid trial; which said false, scandalous, malicious, and defamatory libel, purported to be, and was, and is in the form of an address to the said Francis Buller, baronet, so as aforesaid being one of the justices assigned to hold pleas in the said court of our lord the king, before the king himself, and also being one of the justices before whom the said assizes at which the said trial was so had as aforesaid, were so holden as aforesaid, and (amongst other things) contained therein

certain

certain false, scandalous, malicious, and defamatory matters, of and concerning the said Charles Clubb, as such steward of the said courts of the said manor of Weathersfield as aforesaid, and of and concerning the evidence by him given as such witness as aforesaid at and upon the aforesaid trial, according to the tenor following, that is to say: "My lord (meaning the said Sir Francis "Buller), the late determination in a court of justice at our last "assizes in the ejectment cause, I (meaning himself, the said "Samuel Perry) had there (thereby alluding to the said action of "ejectment so brought for the recovery of said cottages so in "possession of the said William Spooner as aforesaid, and to the "aforesaid trial of the said action, and to the event and determina-"tion of such trial) most sensibly affects me (meaning himself the "said S. P.) as what falls from so great a height cannot fail to make "a deep impression. Not that I (meaning himself, the said S. P.) "impute any thing to your lordship (meaning the said Sir Francis "Buller) of a disagreeable nature; not that I (meaning himself, "the said Samuel Perry) impute any thing to my counsel, but to "the false representation of Mr. Clubb (meaning the said Charles "Clubb), and his designedly keeping back that evidence which "from my attorney he (meaning the said Charles Clubb) had a "proper notice to produce; by which means the court (meaning "the court at and before which the said trial was so had, as afore-"said) was so kept in ignorance, and deceived. I (meaning "himself, the said Samuel Perry) find by several persons present, "that when Mr. Clubb (meaning the said Charles Clubb) was "called upon to produce the court-rolls (meaning the court-rolls "of the manor of Weathersfield aforesaid), he (meaning him the "said Charles Clubb) turned as pale as death, and was all in a "tremble; conscious, no doubt, of the black work he (again "meaning the said C. C.) was going about, trembling lest he "(again meaning the said C. C.) should not succeed, by his being "detected; which he (again meaning the said C. C.) might have "been in a very short time, upon a proper investigation of cir-"cumstances."—(He the said Samuel Perry, thereby alluding to the evidence given by the said C. C. as such witness as aforesaid, at and upon the aforesaid trial, and to the manner of his giving the aforesaid evidence, and also meaning and insinuating that the said C. C. in the said evidence so by him given at and upon the aforesaid trial, had misrepresented some of the facts, and also suppressed certain evidence relative to the said cottage for which said ejectment was so brought as aforesaid, to the title thereto.)—"You must know, my lord, that this Mr. Clubb, "the steward of our court (thereby alluding to and meaning the "said C. C. as such steward of the court of the said manor of "Weathersfield as aforesaid), is a most bitter enemy to me, "(meaning himself, the said Samuel Perry); and for no other "reason but because I (meaning himself, the said Samuel Perry) "have proved the court-rolls (meaning the court-rolls of the "said manor of Weathersfield) false records, in several instances, "in behalf of persons who had been injured in their estates, six

" in number, within these four or five years, as the persons living
" can any day testify: And now, my lord, he (meaning the said
" C. C.) is using all the art he is master of, to deprive me (mean-
" ing himself the said Samuel Perry) of an estate belonging to me
" (thereby alluding to and meaning the said cottages hereinbefore
" mentioned, so formerly being one undivided cottage as afore-
" said, and for the recovery of one of which said cottages the said
" action of ejectment was so brought as aforesaid); and is encou-
" raged in it by a Mr. Nottage, a tradesman in Bocking, in this
" county (meaning one Thomas Nottage, of Bocking, in said
" county of Essex, esquire), to whom this manor (meaning the
" manor of Weathersfield aforesaid) belongs. For about a year
" and a half past, my lord, the point Mr. Clubb (meaning the said
" C. C.) has laboured to establish is this, that the cottage in
" question (meaning the said cottages so formerly being one
" undivided cottage as aforesaid, and to which the said W.
" Waring, the son of the said W. W. deceased, was so admitted
" as aforesaid) and Saffron Garden (meaning the aforesaid croft of
" land called Saffron Garden) are two distinct things; which is
" an absolute falsehood, and he (meaning the said C. C.) knows it.
" He (again meaning the said C. C.) knows that the cottage
" (meaning the said cottages so formerly being one undivided
" cottage as aforesaid, and to which the said W. W. the son was
" so admitted as aforesaid) standing upon Saffron Garden (meaning
" the aforesaid croft of land called Saffron Garden) is one entire
" estate, and has always passed as one entire estate under a decreed
" fine of three shillings and eight-pence; and when at any time
" the cottage (meaning the aforesaid cottages so formerly being
" one undivided cottage as aforesaid) has been mentioned under
" any admission to Saffron Garden, it has been alwas expressed in
" these words: 'also a cottage, parcel of Saffron Garden, under
" one decreed quit rent of three shillings and eight-pence.'
" The *also* only points out that the cottage in question (meaning
" the aforesaid cottages so formerly being one undivided cot-
" tage as aforesaid) stands upon Saffron Garden, and belongs
" to it; and a person in court, who well understood the
" case, took particular notice, that when upon admissions
" the cottage (again meaning the said cottages so formerly
" being one undivided cottage as aforesaid) is mentioned
" with Saffron Garden (meaning the aforesaid croft of land called
" Saffron Garden), for they always stand connected together
" under the decreed fine and quit rent, he (meaning the said
" C. C.) never read parcel of Saffron Garden, which is strictly
" the case in the court rolls (meaning the court rolls of the afore-
" said manor of Weathersfield, and also meaning that the said
" cottages so formerly being one undivided cottage as aforesaid,
" and for the recovery of one of which the said ejectment was so
" brought as aforesaid, were parcel of the estate so granted unto
" him the said Samuel Perry as aforesaid, and also meaning that
" the said C. C. at and upon the said trial, and in the course of his
" evidence given at the same, had not read the said court-rolls so

" by him produced and read in evidence as aforesaid truly, but " had omitted to read certain material parts thereof), the court-" rolls (meaning the court-rolls of the said manor of Weathersfield) " should have been taken from him (meaning the said C. C.) and " read by somebody else; another proof, my lord, of the *falseness* " of Mr. C.'s (meaning the said C. C.'s) proceedings in this, he " (again meaning the said C. C.) had notice from my attorney to " produce the rentals of the manor (meaning the rentals of the " said manor of Weathersfield) in court upon the trial (meaning " the trial aforesaid), and I (meaning himself the said Samuel " Perry) wrote to him (meaning the said C. C.) more than a " fortnight before the assizes, that he would have such a notice, " Mr. Dan met here at Weathersfield, who gather the quit rents " (meaning the quit rents of the manor aforesaid), being in such " a state of health that he could not attend with them at the assizes, " in whose possession the rentals were. My admission (meaning " the aforesaid admission of the said Samuel Perry to the said croft " of land called Saffron Garden), my lord, stands upon the rentals " (meaning the rentals of the said manor of Weathersfield) thus: " 'Samuel Perry for a croft of land called Saffron Garden two acres " and a half, with a cottage, in the occupation of Francis Beele; " quit rent three shillings and eight-pence:' and so it has stood in " all the rentals made down to the present time for near twenty " years, and a particular remark made upon the margin of the " rentals as to my admission (meaning the aforesaid admission of " him the said Samuel Perry to the said croft of land called Saffron " Garden), which is not to be found in any other instance; but " these rentals (meaning the rentals of the said manor of Weathers-" field), my lord, carrying too much light with them for that " bird of night (meaning the said C. C.) they were carefully kept " back; and Mr. Dunnet has since told me (meaning himself the " said Samuel P.) Mr. C. (meaning the said C. C.) never sent for " him and Nottage (meaning the said T. Nottage formerly " mentioned), gave him positive orders not to part with them " to anybody, or let any one see them in future without an order " from him: this evidence has been suppressed. I (meaning " himself the said Samuel Perry) would also, my lord (meaning " the said Sir F. Buller), beg leave to observe, that I (meaning " himself the said Samuel Perry) have had an eminent land " surveyor to take the most nice dimensions of Saffron Garden " (meaning the aforesaid croft of land called Saffron Garden), " and to give me a map altogether with the cottage (meaning the " said cottages so formerly being one undivided cottage as afore-" said, and for one of which said cottages the said ejectment was so " brought as aforesaid); it makes but two acres and thirty-two " perches. This I (meaning himself the said Samuel Perry) " had in court, and the land-surveyor to testify upon oath as to the " quantity of land and the evident loneness of the estate; but this " was not brought forward, but for what reason I (meaning " himself the said Samuel Perry) must leave your Lordship " (meaning the said Sir F. Buller) and the world to judge: the

" map would have been a moſt ſtriking evidence. In ſhort, my
" lord, I (meaning himſelf the ſaid Samuel Perry) conſider myſelf
" as not yet to have been heard on the merits of the cauſe (meaning
" the merits of the ſaid cauſe or action of ejectment hereinbefore
" mentioned); and upon this information, which you have never
" as yet heard, I (meaning himſelf the ſaid S. P.) preſume your
" lordſhip muſt think ſo: but, my lord, amidſt all the art and
" cunning and power uſed to draw the curtains cloſe, ſo that light
" ſhall not enter, for there is a conſpiracy, and a deep one, in this
" buſineſs, light breaks out under the roof of Mr. Clubb (meaning
" the ſaid C. C.). There is a Mr. Wade (meaning one George
" Wade, of Dunmow aforeſaid, in the ſaid county of Eſſex,
" gentleman), who for many years has been in partnerſhip with
" Mr. Clubb (meaning the ſaid C. C.), and who any one muſt
" conclude is well acquainted with theſe things, has not long ſince
" ſaid to a gentleman of Bardfield, in this county (meaning the
" ſaid county of Eſſex), that however things may be in the iſſue,
" moſt certainly the houſe is Mr. Perry's. This uprightneſs of
" Mr. Wade's is a very great ornament in a gentleman of his
" profeſſion, and cannot fail to recommend him to the world.
" It is plain, Mr. Wade is influenced by truth, not by connec-
" tions. My lord (meaning the ſaid Sir F. B.) you have been
" deceived; my counſel has been deceived: for want of proper
" inſtructions to detect Mr. Clubb's falſe repreſentations of
" diſtinct admiſſions to the cottage (meaning the ſaid cottage ſo
" formerly being one undivided cottage as aforeſaid, and to which
" ſaid Walter Waring, the ſon of ſaid W. Waring, deceaſed, was
" ſo admitted as aforeſaid) from Saffron Garden (he the ſaid S. P.
" thereby meaning that ſaid Charles C. in the evidence by him
" given in the aforeſaid trial had falſely repreſented that the ad-
" miſſion contained in the court-rolls ſo by him produced and read
" in evidence as aforeſaid of the ſaid cottages ſo formerly being
" one undivided cottage as aforeſaid, were admiſſions to the ſaid
" cottages, as being ſuch one undivided cottage as aforeſaid,
" ſeparate from the ſaid croft of land called Saffron Garden) the
" cottage (meaning the ſaid cottages ſo formerly being one undi-
" vided cottage as aforeſaid), my lord, always paſſed with the
" land (meaning the ſaid croft of land called Saffron Garden); and
" under that conſideration I (meaning himſelf the ſaid S. P.)
" was admitted by Mr. Bridge, of Dunmow, the former ſteward,
" who did buſineſs at all times with great reputation. Mr. Clubb's
" (meaning the ſaid C. C.'s) ſeparate admiſſion to the cottage
" (meaning the cottages aforeſaid ſo formerly being one undivided
" cottage as aforeſaid) is one long lie; he (meaning the ſaid
" C. C.) knows it to be ſo; but in order to ſupport that falſehood
" he is driven to the miſerable wretched ſhift of ſaying the quit
" rent is loſt, which is the moſt contemptible idea that ever
" entered into the head of a man. If there are diſtinct admiſſions
" to this cottage (meaning ſaid cottages ſo formerly being one
" undivided cottage), I (meaning himſelf the ſaid S. P.) would
" have had Mr. Clubb (meaning the ſaid C. C.) aſked in court if
" diſtinct

"distinct copies could be produced; or what were the fines paid "to the lord of the manor upon those admissions? these and such "like questions would have confounded him (meaning the said "C. C.) at once:" to the great damage, scandal, disgrace, and infamy of the said C. C. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity. (2d Count, for printing and publishing in the Chelmsford Chronicle a libel to the like effect. 3d Count, writing and publishing. 4th Count, that C. C. was an improper person to be entrusted with the rolls of the manor. 5th Count, for publishing another libel in the Chelmsford Chronicle imputing fraud and corruption. 6th Count, as an attorney at law. 7th Count, another letter to the judge.) V. LAWES.

NUISANCE.

For baiting a bull in a market-place, being the king's highway.

THE jurors for our sovereign lord the king upon their oath present, that T. Jones, late of R. aforesaid, butcher; J. James, late of the town aforesaid, butcher, &c. &c. and divers other persons to the jurors aforesaid unknown, on the day of , in the twelfth year of the reign of, &c. George the Third, with force and arms, at the town aforesaid, in a certain common and public street there called the Market Place, the same street then being and having been, from the time of which the memory of man is not to the contrary, the king's common highway, used by all the subjects of our said lord the king and his predecessors, with horses, coaches, carts, and carriages, and on foot, to go, return, pass, repass, ride, and labour, at their wills and pleasures, unlawfully and injuriously did lead, drive, put, and place, and did cause and procure to be led, driven, put, and placed, a certain bull, and the same bull did then and there bait with dogs, and the same bull so baited with dogs in the same street and common highway, on the day and year aforesaid, at the town aforesaid, unlawfully and injuriously did cause to be and remain for a long space of time, to wit, for the space of three hours, whereby the said street and common highway, during the time last aforesaid, was very much obstructed, so that the liege subjects of our said lord the king could not through the said street and common highway, during the time last aforesaid, go, return, &c. with horses, &c. as they ought and were wont to do, to the great damage and common nuisance of all the liege subjects of our said lord the king in, by, and through the same street and common highway going, returning, &c. to the great terror of the inhabitants of the town, and against the peace, &c.

Indictment for a nuisance in keeping a pack of hounds, and placing carrion near the road, whereby the air was infected.

MIDDLESEX. Be it remembered, that on Monday next after fifteen days from Saint Martin, in the thirtieth year of the reign of our sovereign lord George the Second, of Great Britain, &c. in the court of our said lord the king, before the king himself, at Westminster, in the county of Middlesex, upon the oath of twelve jurors, good and lawful men of the county aforesaid, then

Indictment.

and there ſworn, and charged to enquire for our ſaid lord the king for the body of the ſaid county, it is preſented as followeth, *viz.* Middleſex, to wit. The jurors of our preſent ſovereign lord the king upon their oath preſent, that from time whereof the memory of man is not to the contrary, there was and yet is a certain public road and king's highway leading from the town of Uxbridge, in the county of Middleſex, to a certain place in the ſame county, commonly called Tyburn, and from thence to the city of London, in, upon, through, and along ſuch ſaid public road and king's common highway, great numbers of the liege proper ſubjects of our ſaid preſent ſovereign lord the king, as well on foot as with coaches, horſes, chariots, chaiſes, waggons, carts, and other carriages, daily go, paſs, and repaſs, about their neceſſary and lawful occaſions: And the ſaid jurors for our ſaid preſent ſovereign lord the king, upon their oath aforeſaid, do further preſent, that John Bunnell, late of the pariſh of Saint Mary-le-Bone, in the county of Middleſex aforeſaid, yeoman, upon the firſt day of March, in the twenty-ninth year of our ſaid preſent ſovereign lord George the Second, by the grace of God of Great Britain, &c. at the pariſh of Saint Mary-le Bone aforeſaid, in the county of Middleſex aforeſaid, was and long before had been, and ever ſince hath been, and yet is poſſeſſed of a certain houſe, commonly called Tyburn Houſe, and of a certain houſe to the ſame houſe belonging, which ſaid houſe and yard are ſituate, lying, and being within the pariſh of Saint Mary le-Bone aforeſaid, in the county of Middleſex aforeſaid, and are near adjoining to the public road and king's common highway lying and being at Tyburn aforeſaid, to wit, within the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid; and that the ſaid J. B. being ſo poſſeſſed of the ſaid houſe and yard as aforeſaid, and well knowing the premiſes aforeſaid, but being a perſon of a wicked mind and diſpoſition, and having no regard for the law of this realm, or for the health and welfare of the liege ſubjects of our ſaid preſent ſovereign lord the king, ſo going, paſſing, and repaſſing, in, upon, through, and along the ſaid public road and king's common highway as aforeſaid; and upon the firſt day of March, in the ſaid twenty-ninth year of the reign of our ſaid preſent ſovereign lord the king, and at and upon divers other days and times between that day and the day of the taking of this inquiſition, with force and arms, at the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, to wit, at the ſaid houſe commonly called Tyburn Houſe, and at and within the ſaid yard to the ſame houſe belonging and adjoining, and alſo by and near the ſaid part of the ſaid public road and king's common highway aforeſaid, lying and being within the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, to which the ſaid houſe and yard are now adjoining as aforeſaid, did unlawfully, wilfully, and injuriouſly keep, cauſe and procure to be kept a great number of dogs and bitches, that is to ſay, twenty dogs and twenty bitches; and the ſaid ſeveral dogs and bitches he the ſaid J. B. upon the ſaid firſt day of March, in the twenty-

twenty-ninth year of the reign of our ſaid preſent ſovereign lord the king, and at and upon the ſaid divers other days and times between that day and the day of the taking this inquiſition, with force and arms, at the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, to wit, at the ſaid houſe commonly called Tyburn Houſe, and at and within the ſaid yard to the ſame houſe belonging, and alſo by and near the ſaid part of the ſaid public road and king's common highway aforeſaid, lying and being within the pariſh of Saint Mary-le-Bone, in the county of Middleſex aforeſaid, to which the ſaid houſe and yard are near and adjoining as aforeſaid, did unlawfully and injuriouſly feed, and cauſe to be fed with offals, entrails, and pieces of ſtinking carrion and dead carcaſes of beaſts and other filth, by reaſon whereof the air at or near the ſaid part of the ſaid public road and king's common highway aforeſaid, lying and being within the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, to which the ſaid houſe and yard are near adjoining as aforeſaid, upon the ſaid firſt day of March, in the twenty-ninth year aforeſaid, and at and upon the ſaid divers other days and times between that day and the day of the taking this inquiſition, at the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, was and yet is filled and impregnated with noxious, hurtful, noiſome, and offenſive ſtinks and ſmells, to the common nuiſance of all the liege people and ſubjects of our ſaid preſent ſovereign lord the king going, paſſing, and repaſſing, in, upon, through and along the ſaid part of the ſaid public road and king's common highway lying and being within the pariſh of St. Mary-le-Bone aforeſaid, to which the ſaid houſe and yard are near adjoining as aforeſaid, in contempt of our ſaid preſent ſovereign lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and alſo againſt the peace of our ſaid preſent ſovereign lord the king, his crown and dignity: And the jurors of our ſaid preſent ſovereign lord the king, upon their oath aforeſaid, do further preſent, that from time whereof the memory of man is not to the contrary, there was and yet is a certain public road and king's common highway leading from the town of Uxbridge aforeſaid, in the county of Middleſex aforeſaid, to a certain place in the ſame county called Tyburn, and from thence to the city of London aforeſaid, in, upon, through, and along which ſaid laſt-mentioned road and king's common highway, great numbers of the liege people and ſubjects of our ſaid preſent ſovereign lord the king, as well on foot as with their horſes, coaches, chariots, waggons, carts, and other carriages, daily go, paſs, and repaſs, about their neceſſary and lawful occaſions: And the ſaid jurors for our ſaid preſent ſovereign lord the king upon their ſaid oath do further preſent, that the ſaid J. B. well knowing the premiſes laſt aforeſaid, but being ſuch perſon as aforeſaid, upon the ſaid firſt day of March, in the ſaid twenty-ninth year of the reign of our ſaid preſent ſovereign lord the king, at the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, was, and long before had

2d Count, for placing carrion by and near the highway, leaving out *keeping the dogs.*

been, and ever ſince hath been, and yet is poſſeſſed of a certain houſe, commonly called Tyburn Houſe, and of a certain yard to the ſame houſe belonging, which ſaid laſt-mentioned houſe and yard are ſituate and being within the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, and are near adjoining to a certain part of the ſaid laſt-mentioned public road and king's common highway lying and being at T. aforeſaid, to wit, within the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid; and that he the ſaid J. B. being ſo poſſeſſed of the ſaid laſt-mentioned houſe and yard as laſt aforeſaid, upon the ſaid firſt day of March, in the ſaid twenty-ninth year of the reign of our ſaid preſent ſovereign lord the king, and at and upon divers days and times between that day and the day of the taking this inquiſition, with force and arms, at the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, that is to ſay, at the ſaid laſt-mentioned houſe commonly called Tyburn Houſe, and at and within the ſaid yard to the ſame houſe belonging, and alſo by and near that part of the ſaid laſt-mentioned public road and king's common highway lying and being within the pariſh of Saint Mary-le-Bone, in the county of Middleſex aforeſaid, to which the ſaid laſt-mentioned houſe and yard are near adjoining as laſt aforeſaid, did unlawfully, wilfully, and injuriouſly lay, place, and put, and cauſed and procured to be laid, placed, and put, ſeveral quantities of offals, entrails, and pieces of ſtinking carrion and dead carcaſes of beaſts, and other filth, by reaſon whereof the air at and near the ſaid part of the ſaid laſt-mentioned public road and king's common highway lying and being within the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, to which the ſaid laſt-mentioned houſe and yard are near adjoining as laſt aforeſaid, upon the ſaid firſt day of March, in the ſaid twenty-ninth year of the reign of our ſaid preſent ſovereign lord the king, and at and upon the ſaid divers other days and times between that day and the day of taking this inquiſition, at the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, was and yet is filled, tainted, and impregnated with noxious, hurtful, noiſome, and offenſive ſtinks and ſmells, to the common nuiſance of all the liege people and ſubjects of our ſaid preſent ſovereign lord the king going, paſſing, and repaſſing, in, upon, through, and along the ſaid part of the ſaid laſt-mentioned public road and king's common highway lying and being within the pariſh of Saint Mary-le-Bone aforeſaid, in the county of Middleſex aforeſaid, to which the ſaid laſt-mentioned houſe and yard are near adjoining ſo as laſt aforeſaid, in contempt of our ſaid ſovereign lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and alſo againſt the peace of our ſaid ſovereign lord the now king, his crown and dignity: And the jurors for our ſaid preſent ſovereign lord the king upon their ſaid oath do further preſent, that from the time whereof the memory of man is not to the contrary, there was and yet is a certain public

3d Count, that certain perſons whoſe names are unknown placed the carrion there, and that defendant ſuffered it to remain.

road

road and king's common highway leading from the town of Uxbridge aforesaid, in the county of Middlesex aforesaid, to a certain place in the said county commonly called Tyburn, and from thence to the city of London, in, upon, through, and along which said last-mentioned public road or king's common highway great numbers of the liege people and subjects of our said present sovereign lord the king, as well on foot as with their horses, coaches, chariots, waggons, carts, and other carriages, daily go, pass, and repass about their necessary and lawful occasions: And the said jurors for our present sovereign lord the king upon their said oath present, that the said J. B. upon the said first day of March, in the said twenty-ninth year of the reign of our said present sovereign lord the king, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, was, and long before had been, and ever since hath been, and yet is possessed of a certain house, commonly called Tyburn House, and of a certain yard to the same house, which said last-mentioned house and yard are situate, lying, and being within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, and are near and adjoining to a certain part of the said last-mentioned public road and king's common highway lying and being at Tyburn aforesaid, to wit, within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid; and that the said J. B. being so possessed of the said last-mentioned house and yard as last aforesaid, certain persons, whose names to the jurors aforesaid are yet unknown, upon the said first day of March, in the said twenty-ninth year of the reign of our said present sovereign lord the king, and at and upon divers other days and times between that day and the day of taking this inquisition, with force and arms, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, that is to say, at the said last mentioned house commonly called Tyburn House, and at and within the said yard to the same house belonging, and also by and near the said part of the said last mentioned public road and king's common highway lying and being within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to which the said last-mentioned house and yard are near adjoining as last aforesaid, did unlawfully and injuriously lay, place, and put several other quantities of offals, and pieces of stinking carrion and dead carcases of beasts, and other filth; and that the said J. B. well knowing the premises last aforesaid, but being such person as aforesaid, upon the said first day of March, in the said twenty-ninth year of the reign aforesaid, and at and upon the said divers other days and times between that day and the day of taking this inquisition, with force and arms, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to wit, at the said last-mentioned house commonly called Tyburn House, and at and within the said yard to the same house belonging, and also by and near the said part of the said last-mentioned road and king's common highway lying and being within the said parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex

lawfully and wickedly devising, contriving, and intending, not only to prevent the interment and burial of a certain dead body, to wit, the body of M. J. spinster, then lately deceased, but also to cause and procure the said body of the said M. J. to be dissected, on, &c. in the twenty-third year of the reign, &c. with force and arms, at, &c. in, &c. unlawfully and wickedly did conspire, combine, confederate and agree together to cause and procure the said dead body of the said M. J. to be taken and carried away from the workhouse for the poor of the said parish of, &c. in, &c. (wherein the said M. J. when living had lately before been kept and maintained as a poor impotent person, unable to maintain and provide for herself, and had departed this life), to the dwelling-house of the said T. Y. situate in, &c. in order and for the purpose that the said dead body of the said M. J. might and should be dissected, and that the said T. Y. in pursuance of and according to the conspiracy, combination, confederacy, and agreement between him and the said R. W. so as aforesaid before had, afterwards, to wit, on, &c. at, &c. in, &c. unlawfully and wickedly did cause and procure certain persons, to wit, J. W. &c. &c. &c. to go about the hour of ten at night, of the same day to the work-house of the poor of the parish aforesaid, when the body of the said M. J. then lay to receive, take, and carry away the said dead body from the work-house aforesaid, to the dwelling house of him the said T. Y. &c. situate in, &c in order, and for the purpose that the said dead body might and should be dissected, and that the said J. W. &c. &c. by the procurement of the said T. Y. in pursuance of and according to the conspiracy, combination, confederacy, and agreement aforesaid, did then and there, to wit, on the said eighth day, &c. in the twenty-fifth year aforesaid, about the hour of ten at night, of the same day, at the said parish of, &c. in, &c. go to the said work-house for the poor of the said parish, for the dead body of the said M. J. and that the said R. W. then and long before being master of the said workhouse, in pursuance of and according to the conspiracy, combination, confederacy, and agreement between him and the said T. Y. so as aforesaid, before had, did then and there unlawfully and wickedly deliver and cause to be delivered, the said body of the said M. J. to the said J. W. &c. to take and carry away the same to the aforesaid dwelling-house, of the said T. Y. in order and for the purpose that the said dead body of the said M. J. might and should be dissected, and the said J. W. &c. &c. did then and there receive, take, and carry away the said dead body of the said M. J. from the said work-house, to the aforesaid dwelling-house of the said T. Y. and that the said R. W. and T. Y. in pursuance of and according to the conspiracy, confederacy, combination, and agreement between them so as aforesaid had, did then and there in manner and by the means aforesaid, unlawfully and wickedly wholly prevent the interment and burial of the said dead body of the said M. J. which of right should and ought to have been done and performed, according to the rights and ceremonies of the church of that

part

part of this realm called England, to the great ſcandal and diſgrace of religion, in contempt of the laws and cuſtoms of this realm, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace, &c. his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid R. W. on, &c. in the ſeventeenth year of the reign, &c. was in due manner appointed, according to the directions of a certain act of parliament in that behalf, to ſuperintend, manage, and take care of the poor that then were or ſhould thereafter be in the workhouſe for the poor of the ſaid pariſh of, &c. in, &c. and that on, &c. in the twenty-third year aforeſaid, and long before that time, one M. J. a poor impotent perſon, unable to maintain and provide for herſelf, was kept and maintained in the aforeſaid workhouſe, under the ſuperintendance, management, and care of the ſaid R. W. and that on, &c. the ſaid M. J. at &c. in, &c. to wit, in the aforeſaid workhouſe departed this life, and that the body of the ſaid M. J. ſhould and ought to have been decently interred and buried, according to the rites and ceremonies of the church of that part of this realm called England, in the burial ground belonging to the ſaid pariſh, and that the ſaid R. W. according to the duty of his ſaid office, ſhould and ought to have cauſed and procured the ſaid dead body of the ſaid M. J. to have been ſo decently interred and buried: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid R. W. and the ſaid T. Y. knowing the premiſes laſt aforeſaid, but the duties of the office of the ſaid R. W. and the laws and cuſtoms of this realm in no wiſe regarding, unlawfully and wickedly contriving and intending not only wholly to prevent the interment and burial of the ſaid dead body of the ſaid M. J. but alſo to cauſe and procure the ſaid dead body to be diſſected, afterwards, to wit, on, &c. in the twenty-third year aforeſaid, with force and arms, at, &c. in, &c. the ſaid dead body of the ſaid M. J. then and there being in the ſaid workhouſe, did unlawfully and wickedly take and carry away, and cauſed and procured to be taken and carried away, with an unlawful and wicked intention not only to prevent the interment and burial of the ſaid dead body of the ſaid M. J. but alſo that the ſaid dead body ſhould be diſſected, contrary to the duty and office of him the ſaid R. W. to the great ſcandal and diſgrace of religion, in contempt of the laws and cuſtoms of this realm, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace, &c. his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid R. W. and T. Y. being evil minded perſons, and having no regard for religion, or the laws and cuſtoms of this realm, afterwards, to wit, on, &c. in the twenty-third year aforeſaid, with force and arms, at, &c. in, &c. a certain dead body, to wit, the dead body of M. J. then lately deceaſed, then and there being in the ſaid workhouſe, for the poor of the ſaid pariſh there ſituate, unlawfully and wickedly did take and carry away, and cauſed and procured

2d Count, that one of defendant's was appointed maſter, &c. by act of parliament, and that it was his duty, &c.

3d Count, took away for the purpoſe of diſſection.

cured to be taken and carried away, with an unlawful and wicked intention, to prevent the interment and burial of the ſaid dead body of the ſaid M. J. which ſhould and ought to have been done and performed according to the rites and ceremonies of the church of that part of this realm called England, and alſo with an unlawful and wicked intention, that the ſaid dead body of the ſaid M. J. ſhould be diſſected, to the great ſcandal and diſgrace of religion, in contempt of the laws and cuſtoms of this realm, to the evil and pernicious example, &c. &c. and againſt the peace, &c. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid R. W. and T. Y. being evil minded perſons, and having no regard for religion, or the laws and cuſtoms of this realm, afterwards, to wit, on, &c. in the twenty-third year aforeſaid, with force and arms, at, &c. in, &c. a certain dead body, to wit, the body of M. J. then and there being in the ſaid workhouſe of the poor of the ſaid pariſh there ſituate, unlawfully and wickedly did take and carry away, and cauſed and procured to be taken and carried away, with an unlawful and wicked intention to prevent the interment and burial of the ſaid dead body of the ſaid M. J. which ought to have been done and performed according to the rites and ceremonies of the church of that part of this realm called England, to the great ſcandal and diſgrace of religion, in contempt of the laws and cuſtoms of this realm, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

4th Count, for preventing interment, &c.

Pleas before our lord the king at Weſtminſter, of Hilary term, in the twenty-fourth year of the reign of our ſovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c.

Among the pleas of the king. ROLL.

Record of an indictment for a nuiſance, diverting a water-courſe running into a public pond.

SOME time ago (that is to ſay), on Tueſday in the week next after the feaſt of Saint Michael the Archangel, to wit, the ſecond day of October, in the twenty-fourth year of the reign of our ſovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. at the general quarter ſeſſions of the peace of our lord the king, holden at Maidſtone, in and for the county of Kent, before William Horſemedon Turner, eſquire, Thomas , honourable Robert Fairfax, eſquire, William Champions, and James Calder eſquires, and others their aſſociates, juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſame county perpetrated, upon the oath of twelve jurors, good and lawful men of the ſaid county, then and there impanelled, ſworn, and charged to enquire for our ſaid lord the king for the body of the ſaid county,

county, it was presented as followeth (that is to say), Kent, ff. Indictment.
The jurors for our sovereign lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, there has been and still is a common water-course near a certain place called Throng, within the parish of Shorme, in the said county, which continually during all the said time, at all times of the year hath run and been used and accustomed and of right ought, without any obstruction or impediment, to run out of the land of Benjamin Smith, called Randal Heath, into and along the common highway, there leading from Throng aforesaid, to the village of Shorme, and into a certain pond in the said common highway there, and from the said pond into the lands of John Oakes, at which said water-course and pond the inhabitants of the said parish of Shorme, and all other his said majesty's subjects in and through the said common highway passing and repassing, all the said time have used, and of right been accustomed to water their cattle at their free will and pleasure; nevertheless the jurors aforesaid upon their oath present, that Benjamin Smith, late of the parish of Shorme, in the county aforesaid, gentleman, and Robert Shearman, late of the same place, labourer, on the twenty-seventh day of December 1749, with force and arms, at the parish aforesaid, in the county aforesaid, in and across the said water-course, in the said highway there, a certain mound, bank, or dam, did then and there make, erect, and build, and the same so high did raise, that the said water in its said ancient course was obstructed, and into the said pond did not run as it was used and accustomed and ought to do, so that the inhabitants of the said parish, and all others his majesty's subjects, in and through the said common highway passing and repassing, were and still are deprived of the use of the said pond and water for their cattle, and hindered from enjoying the same, as they ought and were wont to do: And the jurors aforesaid do further upon 2d Count.
their oath present, that from time whereof the memory of man is not to the contrary, there has been and still is a certain common water-course, near a certain place called Throng, within the said parish of Shorme, in the county aforesaid, which continually during all the said time, at all times of the year, hath run, and been used and accustomed and of right ought, without any obstruction or impediment, to run out of the land of Benjamin Smith, called Randal Heath, into a certain common public pond, lying near and open to a certain highway, there leading from the village of Throng aforesaid, to the village of Cobham, in the parish of Cobham, in the said county of Kent, between the said village of Throng, and a certain place there called Saint Thomas's Well, in the said parish of Cobham, and from the said pond into the lands of John Oakes there, at which said pond the inhabitants of the said parish of Shorme, and all other his majesty's subjects, in and through the said common highway passing and repassing during all the said time, have used and of right been accustomed to water their cattle, at their free will and pleasure; nevertheless

nevertheleſs the jurors aforeſaid upon their oath preſent, that Benjamin Smith, late of the pariſh of Shorme, in the county aforeſaid, gentleman, and Robert Shearman, late of the ſame pariſh, labourer, on the ſaid twenty-ſeventh day of December, in the year aforeſaid, with force and arms, at the pariſh aforeſaid, and in the county aforeſaid, in and acroſs the water-courſe, in the land of the ſaid Benjamin Smith, there a certain mound, bank, or dam, did then and there make, erect, and build, and the ſame ſo high did raiſe, that the ſaid water-courſe was thereby ſtopped, and from its ancient courſe diverted, that the ſaid water did not nor hath ſince run into the ſaid pond, as it was uſed and ought to do, ſo that the inhabitants of the ſaid pariſh, and all other the ſubjects of our ſaid lord the king, paſſing and repaſſing in and through the ſaid common highway, were and ſtill are deprived of the uſe of the ſaid pond and water for their cattle, and hindered from enjoying the ſame as they ought and were wont to do, to the great damage and common nuiſance, not only of the inhabitants of the ſaid pariſh of Shorme, but of all other the liege ſubjects of our ſaid lord the king, in and through the common highway paſſing and going, and againſt the peace, &c. Which ſaid indictment our ſaid lord the king did afterwards, for certain reaſons, cauſe to be brought before him, to be determined according to the law and cuſtom of England; wherefore the ſheriff of the ſaid county of Kent was commanded, that he ſhould not forbear by reaſon of any liberty in his ſaid bailiwick, but that he ſhould cauſe them to come to anſwer to our ſaid lord the king, touching and concerning the premiſes aforeſaid; and now (that is ſay) on Wedneſday next after the octave of Saint Hilary, in the ſame term, before our ſaid lord the king at Weſtminſter, come the ſaid Benjamin Smith and Robert Shearman, by John Wace their attorney, and having heard the ſaid indictment read, they ſeverally ſay that they are not guilty thereof; and hereupon they ſeverally put themſelves upon the country, and James Burrow, eſquire, coroner and attorney of our ſaid lord the king, in the court of our ſaid lord the king, before the king himſelf, who proſecuteth for our ſaid lord the king in this behalf, doth the like.

Certiorari.

For killing ſheep in highway and ſtreet, leaving entrails, blood, and filth to remain, &c.

BERKS, *ſſ.* The jurors for our lord the king upon their oath preſent, that Edward Higgs, late of Maidenhead, in the county of Berks, butcher, on the day of May, in the twenty ſixth year of the reign of our ſovereign lord George the Third, now king of Great Britain, and ſo forth, and on divers other days and times then before, at Maidenhead aforeſaid (to wit), in the pariſh of Bray, in the town of Maidenhead aforeſaid, in the county aforeſaid, and near the dwelling-houſes of divers liege ſubjects of our ſaid lord the king, and alſo near a certain open and public ſtreet and road there, commonly called Maidenhead-ſtreet, the ſaid public ſtreet and road being a common ſtreet and road and thoroughfare

thoroughfare, for all the subjects of our said lord the king, with coaches, carriages, horses, waggons, carts, goods, chattels, and merchandises, to go, return, or pass at their will and pleasure, did unlawfully and injuriously kill and slay, and cause to be killed and slayed forty sheep, and the excrements, blood, entrails, and other filth coming from the said sheep, did then and on the said other days and times there cause and permit to lie and remain in the said open and public street and road for a long time, whereby divers *filthy* (1) and unwholesome smells, from the excrements, blood, entrails, and other filth coming from the said sheep as aforesaid, then and on the said other days and times there did arise, so that the air there was greatly corrupted and infected, to the great damage and common nuisance, not only of all the liege subjects of our said lord the king, near the same place inhabiting and *dwelling* (2), but also of all other liege subjects of our said lord the king, in, by, and through the said common streets and highways aforesaid, going, returning, and passing, and against the peace of our said lord the king, his crown and dignity: And the aforesaid jurors of our said lord the king upon their oath do further present, that the said Edward Higgs, on the said day of May, in the said twenty-sixth year of the reign of king George the Third, now king of Great Britain, &c. and on divers other days and times as well before as after, with force and arms, at the parish aforesaid, in the county aforesaid, near the dwelling-houses of divers liege subjects of our said lord the king, and also near divers streets and common highways, then did hang out and expose, and cause to be hung out and exposed in the public and open street and road aforesaid, for sale, the bodies and carcases of divers oxen, cows, heifers, sheep, lambs, calves, and pigs, and did then and there, on the said day of aforesaid, and divers other days and times, between that day and the day of the taking of this inquisition, cause and permit to remain in the said open street and common highway for a long time, whereby divers noisome and unwholesome smells did then, and on the said other days and times there arise, so that the air there was greatly corrupted and infected, to the great damage and common nuisance of all the subjects of our said lord the king, not only near the same place inhabiting and residing, but also in and through the said common streets and highways going, returning, and passing, and against the peace of our said lord the king, his crown and dignity.

(1) "noisome"

(2) "residing".

Indictment for erecting a necessary-house so near the public street and highway, that it became a common nuisance.

MIDDLESEX: The jurors for our lord the king upon their oath present, that Henry Row, late of the parish of Saint Mary-le-Bone, in the county of Middlesex, mason, on the first day of January, in the nineteenth year of the reign of our sovereign lord George the Third, king of Great Britain, and so forth, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did erect and cause to be erected a certain building called a necessary-house, upon a certain piece of land, whereof he

the ſaid Henry Row was then and there occupier, adjacent to and within fifty feet of a certain road, from the north end of Portland-ſtreet croſs the Farthing Pye-houſe fields into a new road, from the great northern road at Iſlington, to the Edgware road, near Paddington, in the ſaid county of Middleſex, and the aforeſaid building ſo made and erected as aforeſaid, from the ſame day and year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, until the day of the taking this inquiſition, unlawfully and injurioſly did continue and ſtill doth continue, to the great damage and common nuiſance of all the liege ſubjects of our ſaid lord the king not only thereabouts inhabiting and dwelling, but alſo all thoſe ſubjects in, by, and through the ſame road going, returning, paſſing, and travelling, againſt the form of the ſtatute in ſuch caſe made and provided, in contempt of our ſaid lord the king and his laws, and alſo againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that on the firſt day of January, in the nineteenth year of the reign of our ſovereign lord George the Third, king of Great Britain, and ſo forth, at the pariſh of St. Mary-le-Bone, in the county of Middleſex, a certain road was erected and made from the north end of Portland-ſtreet, in the pariſh aforeſaid, acroſs the Farthing Pye-houſe fields, into a certain road, from the great northern road at Iſlington, to the Edgware road near Paddington, in the ſaid county of Middleſex, by virtue of and in purſuance of a certain act of Parliament made and paſſed in the twenty-ninth year of the reign of our ſovereign lord George the Second, by the grace of God of Great Britain, &c intitled "An act to enable the reſpective truſtees of the turn-"pike roads, leading to Highgate, Gatehouſe, and Hampſtead, "and from Saint Giles's Pound to Kilbourne Bridge, in the "county of Middleſex, to make a new road from the great "northern road at Iſlington, to the Edgware road near Padding-"ton, and alſo from the north end of Portland-ſtreet, croſs the "Farthing Pye-houſe fields, into the ſaid new road, and for "enlarging the terms and powers granted by two ſeveral acts, "for repairing the ſaid road, from Saint Giles's Pound to Kil-"bourne Bridge." And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that in and by the aforeſaid act of Parliament, it was amongſt other things ordained and enacted, that no building ſhould be erected on any new foundation by any proprietor or occupier of lands adjacent to the ſaid new road, within fifty feet of the ſaid road, and that no part of the ſaid new road ſhould be paved, and if any ſuch buildings ſhould be thereafter *erected*, or any part of ſuch new road ſhould be paved contrary to the true intent and meaning of ſuch act, the ſame ſhould be deemed common nuiſances: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that Henry Row, late of the pariſh of Saint Mary-le-bone, in the county of Middleſex, maſon, on the firſt day of January, in the nineteenth year of the reign of our ſovereign lord George the Third, king of Great Britain, and

ſo forth, was the occupier of certain lands adjacent to and within fifty feet of the ſaid road, to wit, of a certan piece of land on the eaſt ſide of the road, from the north end of Portland-ſtreet, croſs the Farthing Pye-houſe Fields, into the aforeſaid new road: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Henry Row, well knowing the premiſes, afterwards, to wit, on the ſaid firſt day of January, in the nineteenth year aforeſaid, at the pariſh laſt aforeſaid, in the county aforeſaid, unlawfully and injuriouſly did erect and cauſe to be erected a certain building on a new foundation, (he the ſaid Henry Row, being occupier of ſuch lands), adjacent to the ſaid new road, within fifty feet of the ſaid new road, in contempt of our ſaid lord the king and his laws, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

I think this indictment is a good one upon the Act of Parliament.

H. HOWORTH.

ORDERS OF JUSTICES DISOBEYING.

Indictment at the quarter ſeſſions, againſt father of a baſtard child, for diſobeying an order of juſtice for its maintenance and relief.

LANCASHIRE, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that Iſabel Timpenny, of the townſhip of Arkhome with Cawood, in the pariſh of Milling, in the county of Lancaſhire, ſingle woman, before the making of the order of juſtices, hereafter-mentioned, to wit, on the nineteenth day of July, in the year of Our Lord 1789, at the ſaid townſhip of Arkhome with Cawood, in the ſaid pariſh of Milling was delivered of a living male baſtard child: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Iſabel Timpenny having been ſo delivered of ſuch baſtard child, within the townſhip aforeſaid, afterwards, to wit, on the fourteenth day of October, in the year aforeſaid, at the townſhip aforeſaid, complaint thereof, and that the ſaid child was then chriſtened by the name of John, and was then chargeable to the ſaid townſhip, and likely ſo to continue, was by the overſeers of the poor of the ſaid townſhip of Arkhome with Cawood, made to James Fenton, eſquire, and Thomas Bateman, eſquire, two of his majeſty's juſtices of the peace, and quorum, in and for the ſaid county of L. and reſiding next unto the limits of the ſaid pariſh church of Melling, in the ſaid pariſh of Melling, in the ſaid county, and ſhe the ſaid I. T. was by them the ſaid overſeers of the poor then and there brought, and perſonally appeared before the ſaid juſtices, ſo reſiding, to be and was thereupon then and there examined upon oath by and before the ſaid juſtices, of and concerning the cauſe and circumſtance of the begetting and birth

of ſuch baſtard child: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Iſabel Timpenny, upon her ſaid examination upon oath then and there taken, in writing by and before the ſaid juſtices depoſed and declared, that ſhe was delivered of ſuch baſtard child as aforeſaid, and that Robert Altham, of Wrayton, in the ſaid county, huſbandman, was the true and only father of the ſaid baſtard child: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid James Fenton, eſquire, and Thomas Bateman, eſquire, ſo being ſuch juſtices reſiding as aforeſaid, did thereupon afterwards, to wit, on the ſame day and year laſt aforeſaid, at the townſhip of Arkhome with Cawood aforeſaid, duly ſummon the ſaid Robert Altham to be and appear before them the ſaid juſtices to make his defence of and concerning the premiſes, and to ſhew cauſe why an order of maintenance ſhould not be made upon him for the cauſe aforeſaid; to which ſaid ſummons, he the ſaid Robert Altham, then and there before the making of any order in that behalf, perſonally appeared before the ſaid juſtices, but did not make any ſufficient defence, or ſhew any cauſe why an order ſhould not be made upon him; whereupon the ſaid juſtices, upon hearing of the ſaid complaint upon oath, afterwards, to wit, on the day and year laſt aforeſaid, at the townſhip aforeſaid, did by their diſcretion take order of and concerning the premiſes, and by their ſaid order in writing, under their hands and ſeals, bearing date the ſaid fourteenth day of October, in the year of Our Lord 1789, reciting to the effect hereinbefore mentioned, adjudge the ſame to be true, and thereby, as well upon examination of the cauſe and circumſtances of the premiſes, upon the oath of the ſaid Iſabel Timpenny as otherwiſe, did declare and adjudge the ſaid Robert Altham to be the reputed father of the ſaid baſtard child, and thereupon, as well for the better relief of the ſaid townſhip of Arkhome with Cawood, as for the keeping and relief of the ſaid baſtard child, did thereby order that the ſaid Robert Altham ſhould forthwith pay or cauſe to be paid to the overſeers of the poor of the ſaid townſhip of Arkhome with Cawood or ſome of them, the ſum of twenty ſhillings, which they had expended and been put unto by reaſon and on account of the ſaid Iſabel Timpenny's lying-in, and in maintaining the ſaid baſtard child at the time of making the ſaid order, and alſo that the ſaid Robert Altham ſhould pay or cauſe to be paid to the overſeers of the poor of the ſaid townſhip, for the time being, or ſome of them, the ſum of one ſhilling in in money, weekly and every week from that preſent time, for and during ſo long a time as the ſaid baſtard child ſhould be chargeable to the ſaid townſhip of A. with C. for and towards the relief and keeping of the ſaid baſtard child: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that after the making the ſaid order, to wit, on the day and year laſt-aforeſaid, at the townſhip aforeſaid, notice of the aforeſaid order was duly given to him the ſaid Robert Altham, and that he the ſaid R.A. was duly made acquainted with the contents thereof: And the jurors aforeſaid,

aforesaid, upon their oath aforesaid, do further present, that the said bastard child is yet living, and hath always from the time of making the said order, until the day of taking this inquisition, been and continued, and now is chargeable to the said township of Arkhome with Cawood, to wit, at the township aforesaid, and that before and at the time of making of the said order, and from thence continually till the taking of this inquisition, one and one were and still are overseers of the poor of the said township of Arkhome with Cawood, duly constituted, of which he the said Robert Altham there had due notice, to wit, at the township aforesaid: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Altham, not regarding the said order, nor the laws and statutes in such case made and provided, did not upon notice of the said order forthwith pay or cause to be paid to the said overseers of the poor of the said township of Arkhome with Cawood, or any of them the said sum of twenty shillings so by them expended, by reason and on account of the said Isabel Timpenny's lying in, and in maintaining the said bastard child as aforesaid, nor hath he the said Robert Altham, at any time or times whatsoever, from the time of making the said order, hitherto paid to the overseers of the poor of the said township of A. with C. for the time being, or any of them the said sum of twenty-shillings, or the said sum of one shilling, in money weekly and every week, from the time of making the said order (although so to do he the said Robert Altham afterwards, to wit, on the sixth day of April, in the year of Our Lord 1790, and often both before and afterwards, to wit, at the township aforesaid, had been duly requested); but on the contrary thereof, he the said Robert Altham, on and from the said fourteenth day of October, in the said year of Our Lord 1789, unto the taking of this inquisition, unlawfully, wilfully, obstinately, and contemptuously hath neglected and refused to pay, or cause the said sum of twenty shillings so by them paid as aforesaid, as also the said sum of one shilling weekly and every week, from the time of making the said order hitherto, contrary to the direction of the said order, and in manifest breach and contempt of the same, to the great damage of the inhabitants of the said township of A. with C. to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Indictment for a contempt in disobeying an order of justices.

THE indictment recites an order of sessions, made the eleventh of January, in the thirtieth year of the reign of our sovereign lord George the Second, directing that the defendant Robert Robinson should from the date thereof, weekly and every week, pay or cause to be paid unto the overseer of the parish of Watersall, for the time being, the sum of two shillings, for the relief of his said grand-child, James Robinson, (*prout* the order), with which order the defendant was duly and legally served, on the twenty-first of the same January; and the charge is that the defen-

fendant not regarding the ſaid order, nor the laws and ſtatutes of this kingdom, did not on the twenty-firſt day of January, in the thirtieth year of the reign of our ſovereign lord George the Second, nor hath ſince the date of the ſaid order, weekly and every week, or otherwiſe howſoever paid or cauſe to be paid unto the overſeer of the poor of ſaid pariſh of Waterſall, for the time being, either the ſaid ſum of two ſhillings, for the relief and maintenance of the ſaid J. R. or the like ſum of two ſhillings, for the relief and maintenance of the ſaid P. R. or any part of either of the ſaid ſums, nor hath he the ſaid R. R. at any time or times from or ſince the date of the ſaid orders relieved, maintained, or provided for them the ſaid J. R. or P. R. or either of them, according to law, but he the ſaid R. R. on the twenty-firſt day of January, in the thirtieth year of the reign of our ſovereign lord George the Second, and continually afterwards, until the day of taking this inquiſition, unlawfully, wilfully, obſtinately, and contemptuouſly did and yet doth neglect and refuſe to pay or cauſe to be paid unto the overſeer of the poor of the ſaid pariſh of Waterſal, for the time being, weekly and every week, from the date of the ſaid order, the ſaid ſeveral and reſpective ſums above mentioned, contrary to the purport and direction of the ſaid order, and in manifeſt breach and contempt of the ſame, to the great damage of the inhabitants of the pariſh of Waterſal, to the evil example of all others in like caſe offending, and againſt the peace, &c. &c.

PERJURY.

For perjury in an affidavit of debt, in K. B. ſworn before a commiſſioner in the country.

DORSETSHIRE, to wit. The jurors of our lord the king upon their oath preſent, that Edward Byron, late of Langham, in the county of Southampton, merchant, wickedly and maliciouſly deviſing and intending unjuſtly and unlawfully to aggrieve, injure, and oppreſs one William Doddrell, and alſo to ſubject him, without any juſt cauſe, to divers coſts and charges, and to force and oblige him to ſuffer and undergo many great and arduous troubles both of body and mind, and to ruin him, and alſo to cauſe and procure the ſum of forty-five pounds eleven ſhillings to be indorſed upon a certain writ of our ſaid lord the now king, called a *latitat*, iſſued out of the court of our ſaid lord the now king, before the king himſelf, by virtue whereof he the ſaid William Doddrell might be arreſted to anſwer in the ſame court, at the ſuit of the ſaid E. Byron, with an intention that the ſaid W. D. might be compelled to find bail for the ſum of forty-five pounds eleven ſhillings, according to the form of the ſtatute in ſuch caſe made and provided, on the twentieth day of April 1784, at Wimburne Minſter, in the ſaid county of Dorſet, in his own proper perſon, came before William Dean, gentleman (he the ſaid Wm. Dean then

then and there being one of the commiſſioners of our ſaid lord the king, duly authorized and empowered to take affidavits in the court of our ſaid lord the king, before the king himſelf), and did then and there take his corporal oath upon the holy goſpel of God, before the ſaid William Dean (he the ſaid William Dean then and there having ſufficient power and authority to adminiſter the ſaid oath to the ſaid E. B. in that behalf, by virtue of a certain act of parliament made at a parliament holden by ſeveral prorogations, at Weſtminſter, on the twentieth day of January, in the twelfth year of the reign of the late king George the Firſt, of Great Britain, France, and Ireland, entitled, "An Act to prevent frivolous and vexatious Arreſts"); and not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, he the ſaid E. B. did then and there, before the ſaid William Dean, one of the ſaid commiſſioners as aforeſaid, upon his oath aforeſaid, falſely, maliciouſly, wilfully, and corruptly ſay, depoſe, ſwear, and make affidavit in writing, that he the ſaid W. D. therein named and deſcribed by the name and deſcription of William Doddrell, of Shepton Mallett, in the county of Somerſet, inn-holder, was then juſtly and truly indebted unto him the ſaid E. B. in the ſum of forty-five pounds eleven ſhillings, upon the balance of accounts for goods ſold and delivered by him the ſaid E. B. to him the ſaid W. D. and for money paid, laid out, and expended by the ſaid E. B. for the uſe of the ſaid W. D. and for money had and received by the ſaid W. D. to and for the uſe of the ſaid E. B. which ſaid affidavit was intitled in the king's bench as by the ſaid affidavit filed in the ſaid court of our ſaid lord the now king, before the king himſelf, the ſaid court then and ſtill being at Weſtminſter aforeſaid, may more fully appear; whereas in truth and in fact, at the ſaid times when the ſaid E. B. did take his ſaid oath, and make his ſaid affidavit, in manner and form above mentioned, the ſaid W. D. was not juſtly and truly indebted unto the ſaid E. B. in the ſum of forty-five pounds eleven ſhillings, upon the balance of accounts, for goods ſold and delivered by the ſaid E. B. to the ſaid W. D. and for money paid, laid out, and expended by the ſaid E. B. to and for the uſe of the ſaid W. D. and for money had and received by the ſaid W. D. for the uſe of the ſaid E. B. which he the ſaid E. B. at the time of taking ſuch oath, and making ſuch affidavit, well knew, to wit, at Wimburne Minſter aforeſaid, in the ſaid county; and whereas in truth and in fact, at the ſaid time when the ſaid E. B. did take his ſaid oath and make his ſaid affidavit, in manner and form above mentioned, the ſaid W. D. was not juſtly and truly indebted to the ſaid E. B. in the ſum of forty-five pounds eleven ſhillings, or in any part thereof, or in any ſum of money whatſoever, upon the balance of any accounts or account, for goods ſold and delivered by the ſaid E. B. to the ſaid W. D. which he the ſaid E. B. at the time of taking ſuch oath, and making ſuch affidavit, well knew, to wit, at Wimburne Minſter aforeſaid, in the ſaid county; and whereas in truth and in fact, at the ſaid time when the ſaid E. B. did take his ſaid

* In the Country.

oath, and make his affidavit, in manner and form above-mentioned, he the ſaid W. D. was not juſtly and truly indebted to the ſaid E. B. in the ſum of forty-five pounds eleven ſhillings, or in any part thereof, or in any other ſum whatſoever, upon the balance of any accounts or account for money paid, laid out, and expended by the ſaid E. B. for the uſe of the ſaid W. D. which he the ſaid E. B. at the time of taking ſuch oath, and making ſuch affidavit well knew, to wit, at, &c.; and whereas in truth and in fact, at the time when the ſaid E. B. did take his ſaid oath, and make his ſaid affidavit, in manner and form above mentioned, he the ſaid W. D. was not juſtly and truly indebted to the ſaid E. B. in the ſum of forty-five pounds eleven ſhillings, or in any part thereof, or in any ſum of money whatſoever, upon the balance of any accounts or account for money had and received by the ſaid W. D. for the uſe of the ſaid E. B. which he the ſaid E. B. at the time of taking ſuch oath, and making ſuch affidavit, well knew, to wit, at, &c.; and whereas in truth and in fact, at the ſaid time when the ſaid E. B. did take his ſaid oath, and make his ſaid affidavit, in manner and form above mentioned, he the ſaid W. D. was not juſtly and truly indebted to the ſaid E. B. in the ſum of forty-five pounds eleven ſhillings, or in any part thereof, or in any ſum of money whatſoever, upon the balance of any accounts whatſoever, or for any cauſe or cauſes whatſoever, which he the ſaid E. B. at the time of taking ſuch oath, and making ſuch affidavit, well knew, to wit, at, &c. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid E. B. on the ſaid twentieth day of April 1784, at Wimburne Minſter aforeſaid, in the ſaid county of Dorſet, before the ſaid William Dean, ſo as aforeſaid having ſufficient power and authority to adminiſter the ſaid oath to the ſaid E. B. in that behalf, falſely, wickedly, maliciouſly and corruptly, in manner and form above-mentioned, did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, to the great damage of the ſaid W. D. to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the now king, his crown and dignity, &c.

Drawn by MR. CROMPTON.

Indictment for perjury in ſwearing a child to one J. P. before a juſtice of the peace in the country.

SOMERSETSHIRE, to wit. The jurors for our lord the king, upon their oath preſent, that Jane Muggleworth, late of the pariſh of Kewſtoke, in the ſaid county of Somerſet, ſingle woman, on the third day of November 1785, and in the twenty-ſixth year of the reign of our ſovereign lord the now king, at the pariſh of Kewſtoke aforeſaid, in the ſaid county, was pregnant with child, and that the ſaid child was likely to be born a baſtard, and to be chargeable to the ſaid pariſh of K. in the ſaid county: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Jane Muggleworth ſo being pregnant with child as aforeſaid, not having the fear of God before her eyes,

but being moved and ſeduced by the inſtigation of the devil, and wickedly and maliciouſly contriving and intending not only to deprive John Parſons, late of the pariſh aforeſaid, in the ſaid county, labourer, of his good name, fame, and reputation, and to put the ſaid John Parſons to great labour, trouble, and expence, and alſo falſely to charge the ſaid J. P. with begetting her with child, and being the father of the ſaid child with which ſhe the ſaid Jane Muggleworth was then pregnant, on the ſame day and year aforeſaid, at the pariſh of K. aforeſaid, in the ſaid county of S. in her own proper perſon, came before J. Haſkins, clerk, then being one of his majeſty's juſtices of the peace, aſſigned to keep the peace of our ſaid lord the king for the ſaid county of S. and alſo to hear and determine divers felonies, treſpaſſes, and miſdemeanors, committed in the ſaid county; and then and there having ſufficient power and authority to adminiſter an oath to, and take the examination of her the ſaid Jane Muggleworth hereinafter mentioned; and then and there the ſaid Jane Muggleworth was ſworn, and took her corporal oath before the ſaid J. Haſkins, on the holy goſpel of God; and the ſaid Jane Muggleworth did then and there, upon her oath aforeſaid, before the ſaid J. Haſkins as aforeſaid, wilfully, and of her own free will and accord, falſely, wickedly, and corruptly ſay, depoſe, and ſwear, and give in her examination in writing, as followeth, to wit,—Somerſet: The voluntary examination of Jane Muggleworth, of Kewſtoke, in the ſaid county, ſingle woman, taken on oath before me J. H. one of his majeſty's juſtices of the peace in and for the ſaid county, this third day of November, who ſaith that ſhe is now with child, and that the ſaid child is likely to be born a baſtard, and to be chargeable to the pariſh of K. in the ſaid county; and that John Parſons, of K. aforeſaid, in the ſaid county, labourer (meaning the ſaid J. P.), is the father of the ſaid child, as by the ſaid examination, relation being thereunto had, doth and may more fully appear; whereas in truth and in fact, the ſaid J. P. was not, nor is the father of the ſaid child with which the ſaid J. M. was then pregnant as aforeſaid, nor of any other child of the body of the ſaid J. M.: And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid J. M. on the ſaid third day of November 1785, at the pariſh of K. aforeſaid, in the ſaid county, before the ſaid J. H. ſo being one of his majeſty's juſtices of the peace in and for the ſaid county as aforeſaid, and ſo having ſufficient power and authority to adminiſter the ſaid oath to the ſaid J. M. and to take her examination hereinbefore mentioned, falſely, maliciouſly, wickedly, wilfully and corruptly, on her oath aforeſaid, in manner and form aforeſaid, did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, to the evil example of all others in the like caſe offending, to the great damage of the ſaid J. P. and againſt the peace of our ſaid lord the king, his crown and dignity, &c.

Drawn by MR. CROMPTON.

SOMER-

Indictment for subornation of perjury, for procuring a woman to swear a bastard child to one J. P.

SOMERSETSHIRE, to wit. The jurors for our lord the king upon their oath present, that one Jane Muggleworth, late of the parish of Kewstoke, in the said county of Somerset, single woman, on the third day of November 1785, and in the twenty-sixth year of the reign of our sovereign lord the now king, at the parish of K. aforesaid, in the said county, was pregnant with child, and that the said child was likely to be born a bastard, and to be chargeable to the parish of K. aforesaid, in the county aforesaid; And the jurors aforesaid, upon their oath aforesaid, further present, that on the same day and year aforesaid, at the parish of K. aforesaid, one Wm. Bennett, late of Norton, in the parish of K. aforesaid, in the county aforesaid, yeoman, being a person of an evil mind and wicked disposition, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and wickedly and maliciously contriving, devising, and intending, not only to deprive John Parsons, late of the said parish of K. in the said county, labourer, of his good name, fame, and reputation, and to put him to great trouble and expence, and also to cause the said J. P. to be falsely charged with begetting the said Jane Muggleworth with child, and with being the father of the said child with which the said Jane Muggleworth was then and there pregnant, did falsely, corruptly, knowingly, wilfully, and wickedly, solicit, suborn, and procure the said Jane Muggleworth to go before one J. Haskins, clerk, he the said J. Haskins, then being one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the said county of S. and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, and make oath that one J. P. of, &c. labourer (meaning the said John Parsons) was the father of the said child with which she was so pregnant: And the jurors aforesaid, upon their oath aforesaid, do further present, that in consequence, and by the means, encouragement, and effect of the said wicked and corrupt subornation and procurement of the said William Bennett, she the said Jane Muggleworth afterwards, to wit, on the same third day of November, in the year aforesaid, at the parish of K. aforesaid, in the said county, did go in her proper person before the said J. Haskins being such justice as aforesaid, and then and there having sufficient power and authority to administer an oath and take the examination of the said Jane Muggleworth hereinafter mentioned, and then and there the said Jane Muggleworth was sworn, and took her corporal oath before the said J. Haskins, on the holy gospel of God; and the said Jane Muggleworth being so sworn as aforesaid, by the means and in consequence of the said wicked solicitation, subornation, and procurement of the said W. Bennett, did then and there, upon her oath aforesaid, before the said J. Haskins, being such justice as aforesaid, falsely, wickedly, wilfully, and corruptly say, depose, and swear, and give in her examination in writing, as followeth:—"County of Somerset: The voluntary examination of Jane Muggleworth, of Kewstoke, in the said county, single woman, taken on oath before me J. Haskins, one of his majesty's

majesty's justices of the peace in and for the said county, this third day of November, who saith that she is now with child, and that the said child is likely to be born a bastard, and to be chargeable to the parish of K. in the said county; and that John Parsons, of Kewstoke aforesaid, in the said county, labourer (meaning the said John Parsons), is the father of the said child," as by the said examination, relation being thereunto had, may more fully and at large appear; whereas in truth and in fact, the said William Bennett, at the time of the soliciting, suborning, and procuring the said Jane Muggleworth, corruptly and falsely to swear as aforesaid, well knew that the said J. P. was not the father of the said child with which she was so then pregnant as aforesaid: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said William Bennett, on the same thirtieth day of November, in the twenty-sixth year, &c. at the parish aforesaid, did falsely, corruptly, knowingly, wilfully, and wickedly suborn and procure the said Jane Muggleworth to commit wilful and corrupt perjury, in and by her oath aforesaid, before the said J. Haskins, so then and there having lawful and competent authority to administer the said oath, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and bad example of all others in like case offending, and against the peace of our said lord the king, his crown and dignity, &c.

Drawn by MR. CROMPTON.

Indictment for perjury in depositions in the ecclesiastical court, in a suit there depending for defamation.

THE KING, v. TURNER. } CITY of Exeter, to wit. The jurors for our sovereign lord the king, upon their oath present, that Anne, the wife of Joseph Turner, late of Sidmouth, in the county of Devon, inn-holder, on the sixth day of December 1786, at the parish of , in the city of Exeter aforesaid, in the county of the same city, in her own proper person came before James Newcombe, then and still being surrogate in the archdeaconry court of the diocese of Exeter, in due manner constituted and appointed, and was then and there produced as a witness, and sworn and examined on the part and behalf of one Sarah Maplefton, the promovent or plaintiff in a certain action or suit before that time instituted for defamation in the aforesaid court, and then depending in the said court in which said action or suit the said S. M. was promovent or plaintiff; and one Henry Conflame (by the name and description of Henry Keflame, otherwise Kerflame, otherwise Karflame, otherwise Carflame, otherwise Ceflame, otherwise Cerflame); and the said Ann Turner was then and there before the said James Newcombe, surrogate as aforesaid, sworn touching and concerning the several matters contained in a certain libel before then exhibited in the aforesaid action or suit; and the said Anne did then and there take her corporal oath upon the holy gospel of God, touching and concerning the truth of the several matters in the said libel contained (he the said James Newcombe, surrogate as aforesaid, then and there having competent

competent and ſufficient authority to adminiſter the ſaid oath to the ſaid Anne); and the ſaid Anne being ſo ſworn as aforeſaid, and being a perſon of a corrupt and wicked mind and diſpoſition, and wilfully and maliciouſly deviſing, contriving, and intending to draw down the cenſures of the ſaid eccleſiaſtical court upon the ſaid Henry Carſlame, and to cauſe him to be excommunicated, and to be put to great coſts and charges, and to cauſe him to ſuffer other the pains and penalties by the ſaid court inflicted on perſons guilty of defamation; and not having the fear of God before her eyes, but being moved and inſtigated by the inſtigation of the devil, then and there, to wit, on the ſaid ſixth day of December 1786, at the pariſh aforeſaid, in the city and county of the ſaid city aforeſaid, before the ſaid James Newcombe, ſo being ſurrogate as aforeſaid, and ſo having competent and ſufficient authority to adminiſter the ſaid oath to the ſaid Anne, upon her ſaid oath did falſely, knowingly, wilfully, wickedly, maliciouſly and corruptly, by her own act and conſent, and of her own moſt wicked, corrupt, and malicious mind and diſpoſition, depoſe, repeat, and acknowledge, that ſometime in the month of May or June 1786, but which of the ſaid months ſhe (meaning the ſaid Anne the deponent) did not recollect, as ſhe this deponent (meaning the ſaid Anne) about eight or nine o'clock at night was at her (meaning the ſaid Anne's) own lodging-room window, which (meaning the ſaid window) was open, ſhe (meaning the ſaid Anne) ſaw the defendant Henry Carſlame (meaning the ſaid H. C. the defendant in the ſaid action or ſuit) on his (meaning his the ſaid H. C.'s) return from Ottery, where he (meaning the ſaid H. C.) had that day been ſworn aſſeſſor of the window-tax, ſtop at the houſe of Mr. John Sweetland (meaning one J. Sweetland), which (meaning the houſe of the ſaid J. S.) is oppoſite this deponent's (meaning the houſe of the ſaid Anne), and called Mr. Sweetland (meaning the ſaid J. S.) out in the ſtreet, and ſaid to him (meaning the ſaid J. S. and thereby meaning that he the ſaid H. C. ſaid to the ſaid J. S. the words following, to wit): "I (meaning the ſaid H. C.) have kept Sarah Mapledon (meaning the ſaid S. M. the promovent or plaintiff in the ſaid action or ſuit) common for theſe ſeven years; ſhe (meaning the ſaid S. M.) hath given me the bad diſorder, and three or four gentlemen more of my (meaning his the ſaid H. C.'s) acquaintance. I (meaning the ſaid H. C.) have found her (meaning the ſaid S. M.) all the clothes to her (meaning the ſaid S.M.'s) back, and you (meaning John Sweetland) ride her (meaning the ſaid S. M.) about continually:"—thereby as ſhe this deponent (meaning the ſaid Anne the deponent) believes (meaning the ſaid S. M. had been a whore to him and the ſaid three or four gentlemen, and alſo to the ſaid J. S. ſpeaking of the ſaid S.M. the plaintiff, and meaning and intending her meaning the ſaid S. M.);—whereas in truth and in fact, he the ſaid H. C. did not, in the months of May or June 1786, or at any other time or times, ſay that he the ſaid H. C. had kept S. M. common for theſe ſeven years,

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nor that ſhe the ſaid S. M. had given the ſaid H. C. the bad diſorder, and three or four gentlemen more of his acquaintance, nor that he had found her all the clothes to her back, and that the ſaid J. S. rode her about continually, nor any other defamation whatſoever of the ſaid S. M.; and ſo the jurors aforeſaid, on their oath aforeſaid, do ſay, that the ſaid Anne, on the ſixth day of December 1786, at the pariſh aforeſaid, in the city and county of the city aforeſaid, before the ſaid James Newcombe, ſurrogate as aforeſaid, and then and there having competent and ſufficient authority to adminiſter the ſaid oath to the ſaid Anne, by her own act and conſent, and of her own moſt wicked, corrupt, and malicious mind and diſpoſition, in manner and form aforeſaid, did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the now king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Anne afterwards, to wit, on the day of , at the pariſh aforeſaid, in the city and county of the city aforeſaid, in her own proper perſon, came before James Newcombe, ſurrogate as aforeſaid, and was then and there produced again as a witneſs, and ſworn and examined on the part and behalf of the ſaid S. M. the promovent or plaintiff in the ſaid action or ſuit inſtituted by the ſaid S. M. for defamation in the aforeſaid court, and then depending in the ſaid court, in which ſaid action or ſuit the ſaid S. M. was promovent or plaintiff and the ſaid H. C. was defendant; and the ſaid Anne was then and there, before the ſaid James Newcombe, ſurrogate as aforeſaid, ſworn to ſpeak the truth reſpecting divers interrogatories to her the ſaid Anne then and there adminiſtered by the ſaid James Newcombe, ſurrogate as aforeſaid: and that the ſaid Anne did then and there take her corporal oath upon the holy goſpel of God touching and concerning the truth of the ſeveral interrogatories to her the ſaid Anne in form aforeſaid adminiſtered by the ſaid James Newcombe, ſurrogate as aforeſaid, he the ſaid James Newcombe, ſurrogate as aforeſaid, then and there having ſufficient and competent power and authority to adminiſter the ſaid oath to the ſaid Anne; and that the ſaid Anne being ſo ſworn as aforeſaid, and being a perſon of a corrupt and wicked mind and diſpoſition, and wilfully and maliciouſly contriving, deviſing, deſigning, and intending to draw down the cenſures of the ſaid eccleſiaſtical court upon the ſaid H. C. and to cauſe him to be excommunicated, and to be put to great coſts and charges, and to cauſe him to ſuffer other the pains and penalties by the ſaid perſons inflicted on perſons guilty of defamation, and not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, then and there, to wit, on the ſame day and year laſt aforeſaid, at the pariſh aforeſaid, in the county of the ſaid city, before the ſaid James Newcombe, ſo being ſurrogate as aforeſaid, and ſo having competent and ſufficient authority to adminiſter the ſaid oath to the ſaid Anne to the ſaid ſeveral interrogatories ſo being adminiſtered to her as aforeſaid, did,

did, upon her oath aforesaid, again depose, repeat, and acknowledge, amongst other things, in manner following, that is to say, to the second interrogatory she the said Anne answered, that she (meaning the said Anne) was at her (meaning the said Anne's) lodging-room window, which she (meaning the said Anne) believes was about eight or ten yards from the ministrant (meaning the said H. C.); that it was light enough, and she (meaning the said Anne) was near enough to distinguish, that it was the ministrant Carslame (meaning the said H. C.) who spoke the defamatory words (meaning the said defamatory words in the first Count of this inquisition mentioned): To the third interrogatory she the said Anne answered, that the plaintiff (meaning the said S. M.) was not present at the time the defamatory words were spoken, but that her (meaning the said S. M.'s) christian and surname were both mentioned by the ministrant (meaning the said H. C.) as set forth in the preceding deposition (meaning the aforesaid deposition in the aforesaid first Count mentioned): To the seventh interrogatory the said Anne answered and said, that she (meaning the said Anne) told Mr. Carslame (meaning one Edward Bamfyld Carslame), the defendant's (meaning the said H. C.'s) brother, that she (meaning the said Anne) did not know it was the ministrant (meaning the said H. C.), his brother, in the street, at first, being then in her (the said Anne's) kitchen, but that on her (meaning the said Anne's) going to the (meaning the said Anne's) lodging-room window, she (meaning the said Anne) found it to be the ministrant (meaning the said H. C.), and heard him (meaning the said H. C.) repeat the defamatory words by her (meaning the said Anne) before set forth (meaning the aforesaid defamatory words); she (meaning the said Anne) further told Mr. Carslame (meaning the said E. B. C.) that she (meaning the said Anne) was surprized that his (meaning the said E. B. C.'s) brother (meaning the said H. C. the ministrant) should accuse Mr. Sweetland (meaning the said J. S.) of riding about the promovent S. M. (meaning the said S. M.) but denies she (meaning the said Anne) ever said she (meaning the said Anne) did not know it was the ministrant (meaning the said H. C.) who had spoke the defamatory words till told so by Mr. Sweetland (meaning the said J. S.): To the eighth interrogatory the said Anne answered, that the conversation or defamatory words for which the said S. M. had instituted the said action or suit in the said court were spoken by the ministrant H. C. near the door of her (meaning the said Anne's) fellow witness Sweetland's (meaning the said J. S. who was a witness in the said action or suit in the said court together with the said Anne) house; that the ministrant (meaning the said H. C.) is not an acquaintance of her's (meaning of her the said Anne), but that she (meaning the said Anne) happened once to be in his (meaning the said H. C.'s) company at a farm-house: whereas in truth and in fact it was not light enough for the said Anne at her lodging-room window, nor was she near enough to distinguish that it was the said H. C. who spoke the said defamatory words; and

and whereas in truth and in fact the christian and surname of the said S. M. were not, nor was either of them, at the time the defamatory words were supposed to have been spoken, mentioned; and whereas in truth and in fact the said Anne did say to the said E. B. C. that she the said Anne did not know it was the ministrant (meaning the said H. C.) who had spoken the said supposed defamatory words till told so by the said J. S. or words to that purport and effect; and whereas in truth and in fact the said conversation or defamatory words, as before set forth in the said deposition in the said first Count mentioned of the said Anne, were not spoken by the said H. C. near the door of the said J. S. or at any other place, or otherwise, or in any other manner; and whereas in truth and in fact the said Anne never was in the company of the said H. C. at a farm-house, or in any other place; and whereas in truth and in fact the said Anne, at the time she was so sworn, repeated, acknowledged, and deposed as aforesaid, had no reason or probable cause to say or depose in manner and form as the said Anne did say and depose: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said Anne, on the day and year last aforesaid, at the parish aforesaid, in the city and county of the same city aforesaid, before the said James Newcombe, surrogate as aforesaid, and then and there having sufficient and competent authority to administer the said oath to the said Anne, by her own act and consent, and of her own most wicked, malicious, and corrupt mind and disposition, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity.

Drawn by Mr. GRAHAM.

Indictment for perjury in giving evidence at the trial of an information at *nisi prius*.

MIDDLESEX. The jurors for our sovereign lord the king upon their oath present, that heretofore, that is to say, at the sittings of *nisi prius* after Hilary term, holden in the court of our said lord the now king of his exchequer, at Westminster, in the said county of Middlesex, to wit, in the parish of Saint Margaret's, Westminster, in the said county of Middlesex, on the sixteenth day of February, in the twenty-seventh year of the reign of our said lord the now king, before Sir James Eyre, knight, lord chief baron of our said lord the king of his court of exchequer at Westminster aforesaid, a certain issue in due manner joined upon a certain information before that time exhibited in his said majesty's court of exchequer at Westminster aforesaid, by Richard Pepper Arden, esquire, his said majesty's attorney-general, who prosecuted for his said majesty in that behalf, against Edward Ward, Nicholas Harvey, and Philip Clarke the younger, touching and concerning the seizure and arrest, to the use of his said majesty as forfeited, of a certain ship or vessel, with her guns, furniture, ammunition, tackle, and apparel, several parcels of tea, several parcels of brandy, several parcels of spirituous liquors called geneva,

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of the goods, chattels, and merchandize of certain persons at the time of exhibiting of the said information unknown to the said attorney general, came on to be tried, and was tried in due form of law, by a jury of the said county, duly sworn between our said lord the king and the said John Ward, &c. in that behalf; and upon the said trial of the said information, William Dobbin, late of Dover, in the county of Kent, mariner, an officer of the customs of our present sovereign lord the king, did then and there appear as a witness for and on behalf of our present sovereign lord the king; and he the said William Dobbin then and there, before the said Sir James Eyre, knight, lord chief baron as aforesaid, he the said Sir James Eyre, knight, lord chief baron as aforesaid, having full power and competent authority to administer an oath in that behalf, did take his corporal oath, and was then and there duly sworn upon the Holy Evangelists of God, that the evidence which he the said William Dobbin should give to the court and jury sworn touching and concerning the premises in the said issue so as aforesaid joined between our said lord the king and the said Edmund Ward, &c. should be the truth, the whole truth, and nothing but the truth, he the said Sir James Eyre, lord chief baron as aforesaid, then and there having competent power and authority to administer the said oath to the said William Dobbin in that behalf: And the jurors aforesaid, now here sworn, upon their oath aforesaid, do further present, that upon the trial of the said information it became a necessary question, Whether a little before and at the time of the discovery, seizure, and arrest of the said ship or vessel, and the said goods, chattels, and merchandizes, the said ship or vessel was found within four leagues, or twelve miles of the coast of this kingdom, or not? and also, Whether he the said William Dobbin was at any time during that time within four leagues or twelve miles of the coast of this kingdom, or not? and after the seizure and arrest, At what rate the said ship or vessel sailed towards the coast of this kingdom? and, At what time the said ship or vessel arrived at the coast of this kingdom? and, At what time the men in the said ship or vessel got on shore? And thereupon the said William Dobbin being so produced and sworn as aforesaid, devising, and wickedly and maliciously intending to injure, prejudice, and damnify the said Edward Ward, &c. and to subject them unto sundry costs, charges, and expences, and to cause and procure a verdict to pass for our said sovereign lord the king on the trial of the said information, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, then and there, before the said Sir James Eyre, knight, lord chief baron as aforesaid, did falsely, wilfully, wickedly, and corruptly, and by his own proper act and consent, say, depose, swear, and give in evidence, among other things, to the jurors of the said jury so sworn between our said lord the king and the said Edward Ward, &c. that from the rate of his (meaning the said W. D.'s) sailing and depth of water he concluded he was seven miles and a half or eight miles from England (meaning seven miles and a half or eight miles from

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the Engliſh coaſt) before and at the time of the ſeizure and arreſt; and that he (meaning himſelf the ſaid W. D.) could not be more than eight miles the whole day (meaning eight miles from the Engliſh coaſt on the day of the ſeizure and arreſt), and not more than eight miles from the Engliſh land when he (again meaning the ſaid W. D.) took the ſaid ſhip or veſſel; and that he (again meaning himſelf the ſaid W. D.) made ſail for Neſt Coaſt (meaning a part of the Engliſh coaſt called the Neſs Point, otherwiſe called Dungeneſs Point), and about eight o'clock (meaning eight o'clock in the evening of the day of the arreſt and ſeizure) got under the Point (meaning a certain point of the Engliſh coaſt called the Neſs Point, otherwiſe Dungeneſs Point) about a mile off (meaning at the diſtance of a mile from the ſaid part of the Engliſh coaſt called, &c.), and that it might be nine of the clock (meaning nine of the clock of the evening of the ſame day) before the men (meaning the men in the ſaid ſhip or veſſel) got on ſhore; and that the ſaid ſhip or veſſel could not ſail more than two or three knots an hour (thereby meaning that the ſaid ſhip or veſſel did not ſail more than two or three knots an hour after the ſeizure and arreſt aforeſaid towards the Engliſh coaſt): whereas in truth and in fact the ſaid ſhip or veſſel, at the time of the ſeizure thereof, and before and afterwards, was more than ſeven miles and a half or eight miles from the Engliſh coaſt, to wit, twelve miles and more from England; and whereas in truth and in fact the ſaid W. D. was more than eight miles from the Engliſh coaſt, to wit, twelve miles and more from the Engliſh coaſt, on the day of the ſeizure and arreſt aforeſaid; and whereas in truth and in fact the ſaid W. D. was more than eight miles from the Engliſh coaſt when he took the ſaid ſhip, to wit, twelve miles and more; and whereas in truth and in fact the ſaid ſhip or veſſel did not about eight o'clock, but at a much later hour than eight o'clock, to wit, at half paſt nine o'clock and more, get under the ſaid point, and that it was not nine o'clock, but a much later hour, to wit, half paſt ten o'clock, before the men got on ſhore; and whereas in truth and in fact the ſaid ſhip or veſſel, in ſailing towards the Engliſh coaſt as aforeſaid, ſailed at a much greater rate than two or three knots an hour, to wit, at the rate of four knots an hour or more, to wit, at the pariſh of Saint Margaret's, Weſtminſter, aforeſaid, in the ſaid county of Middleſex; which ſaid ſeveral premiſes aforeſaid he the ſaid W. D. at the time of the taking the oath aforeſaid, there well knew; and ſo the jurors now here ſworn, upon their aforeſaid oath, do ſay, that the ſaid W. D, at and upon the trial of the ſaid information, on the ſaid ſixteenth day of February, in the ſaid year of the reign aforeſaid, at the pariſh of Saint Margaret's, Weſtminſter, aforeſaid, in the ſaid county, before the ſaid Sir James Eyre, knight, lord chief baron as aforeſaid, he the ſaid Sir James Eyre, knight, lord chief baron as aforeſaid, having full and ſufficient power and authority to adminiſter an oath to the ſaid W. D. in that behalf, of his own proper act and conſent, and of his own moſt wicked and corrupt mind, in manner and form aforeſaid, did falſely, wickedly,

and corruptly, upon his oath aforesaid, commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, &c. (Second Count same as first, except that the information was between the king and John Rubee, concerning the seizure of several parcels of tea, several parcels of brandy, and several parcels of spirituous liquors called geneva, of the goods, chattels, and merchandizes of certain persons unknown to the said attorney-general, on board a certain ship or vessel, &c. &c. THOMAS PLUMER.

Indictment for perjury in an affidavit of the service of an ejectment, sworn before a commissioner in the country.

BRECKNOCKSHIRE, to wit. The jurors for our sovereign lord the now king, upon their oath present, that on the sixteenth of March, in the twenty-seventh year of the reign of our said lord the king, and continually from thenceforth until and at the times hereinafter mentioned, one James Price was tenant in possession of and in divers, to wit, two messuages, two barns, ten acres of land, ten acres of meadow, and ten acres of pasture, with the appurtenances, situate, lying, and being in the parish of , in the county of Radnor, to wit, at in the said county of Brecon: And the jurors aforesaid, upon their oath aforesaid, further present that Evan Jones, late of the parish of in the said county of Radnor, yeoman, wickedly contriving, devising, and intending to pervert the due course of law, and to cause the said James Price, to be turned out of possession of the aforesaid premises, with the appurtenances, whereof he was such tenant in possession as aforesaid, upon a judgment in an action of trespass and ejectment against the casual ejector without the said James Price being served with a copy of a declaration in ejectment, and notice thereunder written, to appear and defend that trespass and ejectment, and without his having an opportunity of defending the same, and to put him the said James Price, to great trouble, expence, and detriment, afterwards and whilst the said James Price remained and continued tenant in possession of the aforesaid premises, with the appurtenances, to wit, on the seventeenth day of March, in the twenty-seventh year of the reign aforesaid, at aforesaid, in a certain action of trespass and ejectment of farm, wherein Evan Jones, on the demise of Jacob Stevens and Eleanor his wife, was the plaintiff, and one John Doe was the defendant, before then commenced, and then depending in the court of great session for the county of Radnor, for the recovery of the possession of the aforesaid premises, then in the possession of the aforesaid James Price, and whereof he was tenant in possession as aforesaid, and in which said action or suit of trespass and ejectment a certain declaration in trespass and ejectment had been prepared, with a notice thereunder written, signed by the said John Doe as the casual ejector, and directed to the said James Price as tenant in possession, and annexed to a certain affidavit hereinafter mentioned,

mentioned, he the ſaid Evan Jones the defendant, in his own proper perſon, came before William Jones, gentleman, then being one of the commiſſioners duly authorized and impowered to take affidavits in the ſaid court of great ſeſſions for the ſaid county of Radnor, according to the form of the ſtatute in ſuch caſe lately made and provided, and the ſaid Evan Jones the defendant did then and there take his corporal oath, and was in due manner ſworn upon the holy Goſpel of God before the ſaid William Jones, he the ſaid William Jones then and there having a lawful and competent authority to adminiſter an oath to the ſaid E. J. the defendant in that behalf: And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid E. J. the defendant being ſworn as aforeſaid, and not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, and entirely diſregarding the laws and ſtatutes of this realm, and the pains and penalties thereby provided againſt wilful and corrupt perjury, then and there, to wit, on the ſaid ſeventeenth day of March, in the ſaid twenty-ſeventh year, &c. at, &c. falſely, wickedly, wilfully, voluntarily, maliciouſly, and corruptly, did ſay, depoſe, ſwear, and make affidavit in writing, amongſt other things, to the effect and in ſubſtance as followeth, that is to ſay, that he, this deponent (meaning the ſaid E. J. the defendant), did, on the ſixteenth day of March inſtant (meaning the twenty-ſixth day of March, in the twenty-ſeventh year of, &c.) perſonally ſerve Sarah the wife of the ſaid James Price (meaning the ſaid James Price), tenant in poſſeſſion of the premiſes in queſtion (meaning the ſaid premiſes of which the ſaid James Price was tenant in poſſeſſion as aforeſaid, and for which the ſaid action of treſpaſs and ejectment had been ſo brought as aforeſaid), and in the annexed declaration in ejectment (meaning the ſaid declaration of ejectment in the aforeſaid action or ſuit, and annexed to the aforeſaid affidavit) mentioned, with a true copy of the declaration (meaning the ſaid declaration of ejectment) annexed (meaning annexed to the aforeſaid affidavit); underneath which ſaid copy (meaning the ſaid copy of the ſaid declaration in ejectment ſo pretended to have been ſerved on the ſaid wife of the ſaid James Price) was the like notice written as is under the declaration (meaning the ſaid declaration of ejectment) annexed (meaning annexed to the aforeſaid declaration), and directed to the ſaid James Price (meaning the ſaid J. P. and meaning the aforeſaid notice ſo underwritten as aforeſaid): and this deponent (meaning the ſaid Evan Jones the defendant) further ſaith, that he again (meaning the ſaid E. J. the defendant) at the time of ſuch ſervice (meaning the time when he the ſaid E. J. the defendant pretended to have ſerved the ſaid copy of the ſaid declaration of ejectment, and the notice to the ſame underwritten, on the ſaid Sarah the ſaid wife of the ſaid James Price as aforeſaid) read the ſaid notice (meaning the ſaid notice to the ſaid declaration of ejectment ſubſcribed and underwritten), and explained the purport and meaning thereof (meaning of the ſaid notice) unto the ſaid James Price's wife (meaning the ſaid Sarah the wife of the ſaid James

Price) on the premiſes (meaning the ſaid premiſes in the ſaid declaration of ejectment mentioned, and whereof the ſaid James Price was ſuch tenant in poſſeſſion as aforeſaid), as by the affidavit of the ſaid E. J. the defendant in writing and remaining affiled in the ſaid court of great ſeſſions, for the ſaid county of Radnor, more fully and at large appears; whereas in truth and in fact he the ſaid E. J. the defendant did not on the ſaid ſixteenth day of March, in the twenty-ſeventh year, &c. or on any other day or at any other time perſonally, or in any other manner ſerve the ſaid Sarah the wife of the ſaid James Price, with a true copy of the ſaid declaration of ejectment, and the ſaid notice thereunto ſubſcribed or annexed, or any other declaration of ejectment with or without a notice thereunto ſubſcribed; and whereas in truth and in fact he the ſaid E. J. the defendant did not at the time of ſuch pretended ſervice, or at any other time, read the ſaid notice, or explain the purport or meaning thereof unto the ſaid Sarah the wife of the ſaid James Price, on the ſaid premiſes in the ſaid declaration of ejectment mentioned, or at any other place or in any other manner; and ſo the jurors aforeſaid, upon their oath aforeſaid, ſay, that the ſaid E. J. the defendant, on the ſeventeenth day of March, in the twenty-ſeventh year of the reign aforeſaid, at aforeſaid, in the ſaid county of Brecon, falſely, wickedly, wilfully, voluntarily, maliciouſly, and corruptly upon his oath aforeſaid, and by his own act and conſent in manner aforeſaid, did commit wilful and corrupt perjury, to the great damage of the ſaid James Price, to the great diſpleaſure of Almighty God, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Drawn by Mr. GRAHAM.

Indictment for perjury before a juſtice of the peace, in ſwearing that the proſecutor had aſſaulted defendant and taken from him a bank note and money.

GLOUCESTERSHIRE, *ſſ.* The jurors for our ſaid lord the now king upon their oath preſent, that John Waite, late of the pariſh of Tetbury, in the ſaid county of Glouceſter, apothecary, wickedly and maliciouſly deviſing and intending unjuſtly to vex and aggrieve one William Harvey, and to ſubject him to the puniſhments, pains, and penalties by the laws of this realm provided for perſons guilty of felony, theft, and larceny, and breach of the peace, on the thirtieth of September 1788, and in the twenty-eighth year of the reign of our ſovereign lord George the Third, by the grace of God king of Great Britain, &c. at the pariſh of , in the ſaid county of Glouceſter, came in his own proper perſon before George Hayward, clerk, then and yet one of the juſtices of our ſaid lord the now king, aſſigned to keep the peace of our ſaid lord the king, in the county aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed within the ſaid county, and then and there was ſworn, and took his corporal oath upon the holy Goſpel of God, before the ſaid George Hayward, the juſtice aforeſaid (he the ſaid George Hayward, then and there having competent authority to adminiſter the ſaid oath to the ſaid J. W. in that behalf), and that the ſaid J. W. being ſo ſworn as aforeſaid, and not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation

gation of the devil, then and there before the ſaid George Hayward (he having competent authority to adminiſter the ſaid oath as aforeſaid), upon his oath aforeſaid, upon a certain information, intitled, " Glouceſterſhire, to wit. The information of Mr. J. Waite, of the pariſh of Tetbury, in the ſaid county, ſurgeon and apothecary (meaning the ſaid J. W.), taken this thirtieth day of September 1788, before me (meaning the ſaid G. H.) one of his majeſty's juſtices of the peace in and for the ſaid county," falſely and maliciouſly, wilfully and corruptly did ſay, depoſe, ſwear, and give information in writing, to the purport and effect following, that is to ſay, this informant (meaning the ſaid J. W.) upon his (meaning the ſaid J. W.'s) oath ſaith, that on Monday the eighth inſtant (meaning the then month of September), between four and five of the clock in the afternoon, he (meaning the ſaid J. W.) went to the dwelling-houſe of Mr. Thomas Meggat, called or known by the name of the Prince and Princeſs, in Tetbury aforeſaid (meaning Tetbury, in the ſaid county of Glouceſter), and went into the room of the ſaid houſe (meaning in the ſaid houſe of the ſaid T. M.), where an auction was then held, and that in about four or five minutes after he (meaning the ſaid J. W.) entered the ſaid room, in the aforeſaid houſe (meaning the ſaid room in the ſaid houſe of the ſaid T. M. wherein the ſaid auction was ſo then held as aforeſaid), Mr. William Harvey, of Tetbury aforeſaid, attorney (meaning the ſaid William Harvey), came behind him this informant (meaning the ſaid J. W.), and took him again (meaning the ſaid J. W.) in his (meaning the ſaid W. H.'s) arms, and dragged him (again meaning the ſaid J. W.) to the outſide of a door to the aforeſaid room, (meaning the ſaid room in the ſaid houſe of the ſaid T. M.) that leads into a yard belonging to the aforeſaid houſe (meaning the ſaid houſe of the ſaid T. M.), and that when he this informant (meaning the ſaid J. W.) was upon his (meaning the ſaid J. W.'s) knees juſt without the door aforeſaid and room aforeſaid (meaning the ſaid door and the ſaid room, in the ſaid houſe of the ſaid T. M.), ſtruggling with him the ſaid W. H. this informant (meaning the ſaid J. W.) further upon his (meaning the ſaid J. W.'s) oath ſaith that the ſaid W. H. put his (meaning the ſaid W. H.'s) right hand into the breeches pocket of him this informant (meaning the ſaid J. W.), and took thereout (meaning out of the ſaid breeches pocket of the ſaid J. W.) a Bath bank-note of five guineas value, three guineas in gold, two lancets and a caſe the ſaid lancets were in, and ſome ſilver: Whereas in truth and in fact, he the ſaid W. H. did not come behind him the ſaid J. W. and did not take him the ſaid J. W. in his arms and drag him to the outſide of the door aforeſaid, or in any other manner take or drag him the ſaid J. W. and whereas in truth and in fact on Monday the eighth day of September 1788, or at any time whatſoever, he the ſaid J. W. was not upon his knees, juſt without the door aforeſaid and room aforeſaid, ſtruggling with him the ſaid W. H.: And whereas in truth and in fact on Monday the eighth day

of September 1788, or at any other time whatsoever, the said W. H. did not put his right hand or his other hand into the breeches pocket, or any other pocket of the said J. W. and did not take thereout a Bath bank note, or any other bank note, or any other note of any other value, or three guineas in gold, or two lancets, or a case in which the said lancets were in, or some silver or any or either of them, or any part thereof; and whereas in truth and in fact the said W. H. did not take any property whatsoever of the said J. W. from him in manner aforesaid, or in any other manner, that is to say, at the parish of aforesaid, in the said county of Gloucester: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said J. W. on the thirtieth day of September, in the twenty-eighth year, &c. at the parish of aforesaid, in the said county, before the said George Hayward, the justice aforesaid, he the said George Hayward, the justice, having competent authority to administer the same oath to the said J. W. in that behalf falsely, maliciously, wilfully, wickedly, and corruptly in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Drawn by Mr. GRAHAM.

I have great doubts whether the indictment for perjury can be supported, because in order to constitute perjury, it is necessary that the oath should be taken before a person having competent jurisdiction over the subject matter. The justice had clearly a jurisdiction in the present case as far as relates to the assault, but upon that ground, I apprehend, Mr. Harvey does not want to proceed, nor indeed does there appear sufficient grounds for perjury upon that part of the information. With respect to the charge of taking the defendant's property, if the defendant had said in the information, that Mr. Harvey had *feloniously* taken the property, the justice had jurisdiction of the offence, and the defendant might have been indicted for perjury for it; but the charge is, that Mr. Harvey took the property of the defendant, which only amounts to a trespass, over which the justice had no jurisdiction.

Indictment for perjury in an affidavit sworn before a commissioner, to take affidavits in common pleas to increase the costs after trial, swearing that A. B &c were material witnesses.

CUMBERLAND, to wit. The jurors for our present sovereign lord the king, upon their oath present, that John Milburn otherwise Milborn, late of Brecknockfield, in the county of Cumberland, gentleman, on the thirty-first day of October, in the twenty-third year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of Our Lord 1749, at Penrith, in the said county of Cumberland, in his own proper person came before Thomas Whelpdale, gentleman, then and there being a commissioner, duly appointed to take affidavits in the county of Cumberland aforesaid, in or concerning any cause depending in his majesty's court of common pleas, at Westminster, and the said J. Milburn otherwise Milborn did then and there produce and exhibit before the said T. W. a certain paper writing, purporting in itself to be an affidavit of him the said J. M.

J. M. and framed and intended to be made and sworn by him the said J. M. in the said court of common pleas, in a certain cause then and there depending in the said court of common pleas, between George Lewis, on the demise of the honourable Catharine Weddington, widow, commonly called Lady Weddington, and the honourable Mary Graham, spinster, plaintiffs, and Arthur Underwood and four others, defendants, which said paper-writing was and is intitled as follows, to wit, common pleas, Lewis on the demise of Lady Weddington and another (meaning the honourable Catharine Weddington, widow, commonly called Lady Weddington, and the said honourable Mary Graham, spinster), plaintiffs, Arthur Underwood and others (meaning four), defendants, and the said J. M. did then and there before the said T. Whelpdale, in due manner take his corporal oath, upon the holy Gospel of God, as to the truth of the said paper-writing, purporting in itself to be an affidavit of him the said J. M. as aforesaid, and the matters therein mentioned (he the said T. Whelpdale, being then and there such commissioner as aforesaid, and then and there having sufficient power and authority to administer the said oath unto the said J. M. in that behalf), and the said J. M. &c. being of a wicked and corrupt mind, and of a most diabolical temper and disposition, and unlawfully, maliciously, and wickedly contriving, devising, designing, and intending to injure and aggrieve the said honourable C. W. widow, commonly called Lady W. and the said honourable Mary Graham, spinster, and to put the said Catherine to great expence and charge; and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and having no regard to the laws and statutes of this realm, nor fearing the pains and penalties therein contained, then and there, to wit, on the thirty-first day of October, and the said twenty-third year of, &c. and in the year of our Lord 1749 aforesaid, at Penrith aforesaid, before the said T. W. upon his said oath so taken as aforesaid, falsely, wickedly, wilfully, maliciously, and corruptly, by his own proper act and consent, and of his own most wicked, malicious, and corrupt mind and disposition, did say, depose, swear, and affirm, that the matters in the said paper-writing or affidavit contained were true; in which affidavit, to wit, in one part thereof, he the said deponent had falsely, wickedly, maliciously, wilfully, and corruptly, by his own proper act and consent, and of his own most wicked and corrupt mind and disposition, said, deposed, sworn, and affirmed in these English words following, to wit, that the said cause (meaning the said cause so depending in the said court of common pleas as aforesaid) was tried at the last assizes for the county of Cumberland (meaning the assizes held in and for the said county of Cumberland last past before the making of the said affidavit); and that John Davison, Thomas Graham, William Armstrong, Robert Forrester, Robert Armstrong, John Hewitson, Christopher Elliott, James Scott, James Davison, John Graham, John Armstrong, James Edkin, James Armstrong, Robert Forrester of

Part of affidavit of which the perjury is assigned.

Habett, Archibald Forrester, William Clarke, John Ewatt, Francis Graham, William Jackson, Thomas Nicholson, John Davison, and Francis Forrester, were all material witnesses for the said defendants (meaning the said Arthur Underwood, &c.) as this deponent (meaning the said J. M.) was advised and believes, and were all subpœnaed, and attended at the said trial (meaning the said trial of the said cause) as witnesses in the cause (meaning the aforesaid cause), and on no other account: and this deponent (meaning the aforesaid J. M.) saith, that all or most of the said witnesses (meaning the several persons above-named, who by the said affidavit are so mentioned to have been subpœnaed), lived upwards of fifteen miles from Carlisle aforesaid (meaning the city of Carlisle, in the county of Cumberland), which made it very difficult for them (meaning the said persons so alledged to have been so subpœnaed); and saith, that all the said witnesses (meaning the said several persons so alledged to have been so subpœnaed) were necessarily out in going to, attending at, and returning from the said last assizes held in and for the said county of Cumberland (meaning the aforesaid last assizes before the making of the said affidavit) five days, as by the affidavit, now remaining filed and upon record in the said court of common pleas, relation being thereunto had, more fully and at large appears; when in truth and in fact the said John Davison first abovenamed in the said affidavit was not necessarily out in going to, attending at, and returning from the said last assizes five days; and when in truth and in fact the said John Davison in the said affidavit also named was not necessarily out in going to, attending at, and returning from the said last assizes five days; and when in truth and in fact the said Francis Forrester, named in the said affidavit, was not necessarily out in going to, attending at, and returning from the said last assizes five days; and when in truth and in fact, &c.: And so the jurors aforesaid, upon their oath aforesaid, say, that the said J. M. &c. on the aforesaid thirty-first day of October, in the twenty-third year of the reign of our said sovereign lord the king, at Penrith aforesaid, in the said county, before the said T. W. then and there being such commissioner as aforesaid, and then and there having sufficient power and authority to administer the aforesaid oath to the said J. M. &c. in that behalf, by his own proper act and consent, falsely, wickedly, maliciously, wilfully, and corruptly, in manner and form aforesaid, committed wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, to the great damage of them the said C. W. and M. G. and against the peace of our said lord the king, his crown and dignity.

LONDON,

Indictment for perjury in an affidavit to hold to bail in an action of trover.

LONDON, ss. The jurors of our lord the king upon their oath present, that Samuel Dring, of Turnstile Alley, in the parish of Saint Martin, in the liberty of Westminster, broker, wickedly and maliciously devising and intending unlawfully and unjustly to aggrieve and oppress one Robert Hissop, one William Smith, one Richard James, and one James Baxter, and also to subject them, without any just cause, to divers costs and charges, and to force and oblige them, and every of them, to undergo and suffer many great and arduous troubles both of body and mind, and to ruin them, and also to cause and procure the sum of five hundred pounds to be indorsed upon a certain precept of the court of our said lord the now king called a bill of Middlesex, issuing out of the court of our said lord the now king, before the king himself; by virtue whereof they the said R. H. W. S. R. J. and J. B. might, and each and every of them might be arrested to answer in the same court at the suit of the said Samuel Dring, with an intention that the said R. H. W. S. R. J. and J. B. and each and every of them, might be compelled to find bail for the sum of five hundred pounds, according to the form of the statute in such case made and provided, on the ninth day of July, in the twenty-first year of the reign of our sovereign lord George the Third, now king of Great Britain, France, and Ireland, defender of the faith, &c. at London aforesaid, to wit, at the parish of Saint Dunstan in the West, in the ward of Farringdon Without, in London aforesaid, in his own proper person, came before B. Braithwaite, gentleman, then and still being deputy to William Marshall, esquire, then and yet signer of the said precepts of our said lord the king called bills of Middlesex, issued out of the court of our lord the now king before the king himself, and did then and there procure the said William Marshall, esquire, by virtue of his office, and according to the custom of the said court, to issue a certain precept called a bill of Middlesex out of the said court in that behalf, and the said Samuel Dring did then and there take his corporal oath upon the holy Gospel of God, before the said B. Braithwaite, then and there having sufficient power and authority of administering the said oath to the said Samuel Dring in that behalf, by virtue of a certain act of parliament made in the parliament holden by several prorogations at Westminster, on the twentieth day of January, in the twelfth year of the reign of the late king George the First, of Great Britain, France, and Ireland, entitled, "An Act to prevent frivolous and vexatious "Arrests," and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and then and there, before the said B. B. the deputy aforesaid, upon his oath aforesaid, falsely, wickedly, wilfully, and corruptly did say, depose, swear, and make affidavit in writing, that they the said R. H. W. S. R. J. and J. B. were then justly and truly indebted to him the said Samuel Dring in the sum of five hundred pounds, for taking and carrying away of the goods and chattels of him the said Samuel Dring; which said affidavit was entitled as followeth, "King's "Bench, Between Samuel Dring plaintiff, and Robert Hilsop,

"William Smith, Richard James, and James Baxter, defendants," as by the ſaid affidavit filed in the ſaid court may more fully appear; whereas in truth and in fact, at the time when the ſaid Samuel Dring did take his ſaid oath, and make his ſaid affidavit in form aforeſaid, they the ſaid R. H. W. S. R. J. and J. B. were not, nor was any or either of them, juſtly indebted to the ſaid Samuel Dring in the ſum of five hundred pounds, for taking and carrying away of the goods and chattels of the ſaid Samuel Dring, which he the ſaid Samuel Dring, at the time of taking ſuch oath, and making ſuch affidavit, well knew, to wit, at London aforeſaid, in the ſaid pariſh and ward; and whereas in truth and in fact, at the time when the ſaid Samuel Dring did take his ſaid oath, and make his ſaid affidavit in form aforeſaid, they the ſaid R. H. W. S. R. J. and J. B. were not, nor was any or either of them, juſtly and truly indebted to the ſaid Samuel Dring in any ſum of money whatſoever, for the taking and carrying away of the goods and chattels of the ſaid Samuel Dring, which he the ſaid Samuel Dring at the time of taking ſuch oath, and making ſuch affidavit, well knew, to wit, at London aforeſaid, in the ſame pariſh and ward; and whereas in truth and in fact, at the time when the ſaid Samuel Dring did take his ſaid oath, and make his ſaid affidavit in form aforeſaid, they the ſaid R. H. W. S. R. J. and J. B. were not, nor was any or either of them, juſtly and truly indebted to the ſaid Samuel Dring in the ſum of five hundred pounds, or in any other ſum of money whatſoever, upon any account whatſoever, which he the ſaid Samuel Dring at the time of taking ſuch oath, and making ſuch affidavit, well knew, to wit, at London aforeſaid, in the ſaid pariſh and ward: And ſo the ſaid jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid Samuel Dring, on the ſaid ninth day of July, in the ſaid twenty-firſt year of the reign of our ſaid ſovereign lord the now king, at London aforeſaid, in the pariſh and ward aforeſaid, before the ſaid B. B. ſo as aforeſaid having ſufficient power and authority to adminiſter the ſaid oath to the ſaid Samuel Dring in that behalf, falſely, wickedly, maliciouſly, and corruptly, in manner and form aforeſaid, did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, to the great damage of the ſaid R. H. W. S. R. J. and J. B. to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity, &c.

Averment.

Concluſion.

For ſubornation of perjury on the trial of highway robbery, where the priſoner ſet up an *alibi*.

THE jurors, &c. that heretofore, to wit, at the ſeſſions of oyer and terminer of our lord the king, holden at K. in the county of S. on the day of before Sir R. E. knight, one of the juſtices of his majeſty's court of king's bench, and Sir W. C. knight, then one of, &c. then juſtices of our ſaid lord the king, aſſigned by letters patent of our ſaid lord the king, under the great ſeal of Great Britain, to them and others made, to enquire more fully the truth by the oath of good and lawful men of the county of S. aforeſaid, and by other ways, means, and methods by which they ſhould and

 might

might be better known (as well within the liberties as without), by whom the truth of the matter might be better known and enquired into, of whatever treasons, misprisions of treasons, insurgents, rebellions, counterfeitings, clippings, washings, false coinings, and other falsifying of the monies of Great Britain, and other kingdoms and dominions whatsoever, and of all murders, felonies, manslaughters, , burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempt, falsities, negligence, concealments, maintenances, oppressions, champerties, deceit, and all other evil doings, offences, and injuries whatsoever; and also the accessaries of them within the county aforesaid, or any of them, as well within liberties as without, by whomsoever and in whatsoever manner done, committed, or perpetrated, and by what person or persons, to what person or persons, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, or any one or more of them, in any manner whatsoever; and the said transactions, and other the premises for that time, to hear and determine according to the laws and customs of England, by the oath of H. V. esquire, &c. (the names of the grand jury) good and lawful men of the county aforesaid, then and there sworn and charged to enquire for our said lord the king, for the body of the county aforesaid, it was presented in manner and form following, to wit, The jurors, &c. for that J. G. late of , labourer, on the day of , with force and arms, at the parish aforesaid, in the king's common highway, therein and upon one W. H. in the peace of God and our said lord the king, in the highway then and there being, then and there feloniously did make an assault, and him the said W. H. in bodily fear and danger of his life in the highway aforesaid, then and there feloniously did put, and take one silver watch of the value of four pounds, one silver seal of the value of twopence, and twelve pounds in money, of the goods, chattels, and monies of the said W. H. from the person of the said W. H. and against the will of the said W. H. in the highway aforesaid, then and there feloniously did take and carry away, against the peace of, &c. Wherefore the sheriff of the county aforesaid was commanded not to omit for any liberty in his bailiwick, but to take the said J. G. to answer the premises; which said indictment the above-named justices of our said lord the king, afterwards, to wit, at the delivery of the goal of our said lord the king holden for the said county of , on the said, &c. before the aforesaid Sir R. E. knight; Sir W. C. knight; and others their associates, then justices of our said lord the king, assigned to deliver his said goal of the prisoners therein (a); and afterwards, at the same delivery of the said gaol of our said lord the king, held for the county aforesaid, at aforesaid, in the said county, on the said , before the said justices of our said lord

Indictment for an highway robbery.

Precept to the sheriff.

(a) Something omitted in the draft.

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the king, and other their associates aforesaid, came the said J. G. in the custody of T. C. esquire, sheriff of the county aforesaid, in whose custody in the said goal for the cause aforesaid he had been before committed, being brought to the bar here in his proper person who was committed to the said sheriff; and forthwith concerning the premises in the said indictment above specified and charged on him as above, being asked in what manner he would be tried, the said J. G. said he was not guilty thereof, and concerning which, for good and ill, he did put himself upon his country: upon which said issue such proceedings were had, that afterwards, to wit, on the said delivery of the said goal of our said lord the king, so held as aforesaid, a certain trial was held by a jury of the said county, taken between our said lord the king and the said J. G. as by the record thereof doth more fully appear; upon which said trial evidence was given on behalf of our said lord the king, that the felony and robbery in the said indictment above specified was committed by the said J. G. about half an hour after six in the afternoon, on the fourth day of June, in the eighth year, &c. And the jurors, &c. now here sworn and charged to enquire for our said lord the king, for the body of the said county of , upon their oath aforesaid, do further present, that G. C. late of , in the said county of , gentleman, being a person of wicked and evil mind and disposition, and devising and intending, as much as in him lay, to prevent the due course of law and justice, and to cause and procure the said J. G. to be entirely acquitted of the said felony and robbery charged on him, and by the said indictment to escape unpunished for the same, did before the said trial, to wit, on the day of , in the said ninth year, &c. at , in the county of , unlawfully and wickedly solicit, incite, and endeavour to persuade one J. W. to appear as a witness on the said trial so as aforesaid had for and on the behalf of the said J. G. and on the said trial falsely to depose, say, and give in evidence, upon his oath to the jury of the county aforesaid, that the said J. W. carried a suit of clothes on the fourth day of June last (meaning the fourth day of June, in the eighth year, &c. the day on which the said felony and robbery in the said indictment above specified were proved as aforesaid to have been committed) to the said J. G. at his lodgings (meaning the lodgings of him the said J. G.) at the Queen's-head, in the Ship-yard (meaning Ship-yard, in the county last aforesaid), between four and five (meaning, &c.) in the afternoon of the same day, and that he the said J. W. staid there an hour, and that the said J. G. was then sick, and did not buy his clothes; whereas in truth and in fact, the said J. W. did not go to the said J. G. on the fourth day of June, in the year last above-mentioned, at any time in the same day, at the Queen's-head in Ship-yard aforesaid, or at any other place whatsoever, on any account whatsoever, and which, in truth and in fact, at the time when the said G. C. did so solicit, incite, and endeavour to persuade the said J. W. to give such evidence upon his oath as aforesaid, he the said G. C. well

knew

knew that he the ſaid J. W. would not give his evidence according to the truth, and that the ſame evidence, ſo to be given, was falſe, feigned, and altogether fictitious; to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

For committing perjury in an affidavit before a Commiſſioner authorized to take affidavits in B. R. to ſhew cauſe againſt a rule for an information, in the nature of a *quo warranto*.

DERBYSHIRE, *ſſ.* The jurors of our lord the king, upon their oath preſent, that in the term of Eaſter, in the fifteenth year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. to wit, on Saturday next, after the morrow of the Aſcenſion of our Lord, a rule was made in and by the court of our ſaid lord the king, before the king himſelf, the ſaid court then being held at Weſtminſter, in the county of Middleſex, for one R. T. to ſhew cauſe why an information, in the nature of a *quo warranto* ſhould not be exhibited againſt him, to ſhew by what authority he claimed to be a burgeſs or freeman of the town and borough of Derby: And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that S. C. late of the town and borough of Derby, in the county of Derby, eſquire, wilfully deviſing, contriving, and intending to prevent the due courſe of law and juſtice, and to cauſe and procure the ſaid rule ſo made by the ſaid court to be diſcharged, againſt all truth and juſtice, afterwards, to wit, on the eighth day of June, in the fifteenth year, &c. at Derby, in the county of Derby aforeſaid, in his proper perſon, came before J. J. gentleman, then being one of the commiſſioners of our ſaid lord the king, duly authorized and empowered to take affidavits in the ſaid court of our ſaid lord the king, before the king himſelf; and the ſaid S. C. did then and there take his corporal oath, and was in due manner ſworn upon the holy Goſpel of God, before the ſaid J. J. he the ſaid J. J. then and there having a lawful and competent authority to adminiſter an oath to the ſaid S. C. in that behalf: And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid S. C. being ſo ſworn as aforeſaid, and not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, and entirely diſregarding the laws and ſtatutes of this realm, and the pains and penalties thereby provided againſt wilful and corrupt perjury; then and there, to wit, on the ſaid eighth day of June, in the fifteenth year aforeſaid, at Derby aforeſaid, in the county aforeſaid, before the ſaid J. J. falſely and maliciouſly, wickedly, wilfully, and corruptly did ſay, depoſe, ſwear, and make affidavit in writing, amongſt other things, to the effect and ſubſtance as followeth, that is to ſay, that he the ſaid S. C. as as well from his own obſervation, experience, inſpection, and examination of the common-hall books of the ſaid borough of Derby the oldeſt of which (meaning the eldeſt of which common hall books then extant) commenced in the year 1678, as from the information of ſeveral old perſons who were of the common court of the ſaid borough, and others who were then dead, it had been the immemorial cuſtom, from time to time, for the common-hall of the ſaid borough, frequently to confer the honour of freedom,

or

or burgessship, upon such persons as they (meaning said common-hall) thought proper, and not resiant, as well as resident therein (meaning the said borough of Derby), paying their fees of office, meaning fees of office of the said persons on whom the said honour of freedom or burgessship was conferred), without receiving any consideration for the same (meaning for the said honour of freedom, or burgessship, conferred on such burgesses), and that the persons on whom the honour of freedom or burgessship had been so conferred, had no other title to freedom or burgessship but the voluntary gift of the common-hall (meaning the said common-hall of the said borough of Derby), and yet had exercised the office of burgess (meaning the office of burgess of the said borough), and had enjoyed every liberty, franchise, and privilege of the said borough, from time to time, without any interruption, and particularly had voted for members to serve in parliament for the said borough, and that it appeared in the said common-hall books, that Hugh B. of the borough of Derby, in the said county, esquire, who (meaning the said H. B.) had made an affidavit on the present occasion, (meaning an occasion of the said matter then depending in the said court of our said lord the king, before the king himself), was at a common-hall for the said borough, on the second day of September 1714, by the name of Mr. H. B. the younger, ordered to be admitted a burgess of the said borough, along with divers others noted in the said book (meaning the said common-hall book), to be honorary members, burgesses; and that at a common-hall held for the said borough the eleventh day of the said month of September 1714, he (meaning the said H. B.) with divers others, was accordingly admitted and sworn a burgess for the same borough, and that in 1717, he (meaning the said H. B.) was elected and sworn a capital burgess; and that in 1723, he (meaning the said H. B.) was elected town clerk of the said borough, which place (meaning town clerk of the said borough) he (meaning the said H. B.) had for and about seventeen years, and that it appeared in the said books (meaning the said common-hall books), that while he (meaning the said H. B.) was capital burgess, and being (meaning the said H. B.) for some part of that time town clerk, divers persons not resident in the same borough, nor having or claiming any title to that freedom other than the voluntary gift of the common-hall in common council aforesaid, had, with his concurrence (meaning the concurrence of the said H. B.) at common-hall the honour of the freedom of the said borough conferred upon and given to them (meaning the said persons), and were accordingly admitted burgesses, and sworn burgesses of the said borough; and that whilst he was town clerk (meaning whilst the said H. B. was town clerk), he himself (meaning the said H. B.) entered, or caused to be entered in the said books (meaning the common-hall books) the names of divers other persons who also had the honour of the freedom of the said borough conferred upon and given to them; and that the said H. B. and many other persons enjoyed the freedom of the said borough, by gift from the common-hall as aforesaid, polled at the last election (meaning at an election for the said town and borough

of

of Derby), at the ſaid town and borough, which began the twenty-ſeventh day of January 1775, for a member to ſerve in parliament for the ſaid borough or town, ſome (meaning the ſaid H. B. and ſome of the ſaid other perſons ſo enjoying the freedom of the ſaid borough as aforeſaid) for one candidate, and ſome (meaning ſome aforeſaid other perſons ſo enjoying the freedom of the ſaid borough as aforeſaid) for another (meaning another candidate); and that no objection was at the time of polling (meaning at the time of polling at the ſaid election for a member to ſerve in parliament for the ſaid town and borough of Derby) made thereto (meaning to the polling of the ſaid H. B. and other perſons ſo enjoying the freedom of the ſaid borough as aforeſaid); as the ſaid S. C. had heard and did believe, as by the ſaid S. C.'s affidavit in writing, and remaining filed in the ſaid court of our ſaid lord the king, before the king himſelf, at Weſtminſter aforeſaid, more fully appears; whereas in truth and in fact, the ſaid S. C. at the time of making the ſaid affidavit well knew that at the time of polling at the ſaid election for a member to ſerve in parliament for the ſaid town and borough, an objection was made to the polling of one Chriſtian Heath, of the ſaid town and borough, eſquire, who then enjoyed the freedom of the ſaid borough by gift from the ſaid common-hall; and whereas in truth and in fact, divers perſons in the preſence and hearing of the ſaid S. C. did, at the time of polling at the ſaid election, make objections to the polling of the ſaid C. H. and the ſaid other perſons ſo enjoying the freedom of the ſaid borough by gift from the ſaid common-hall; and whereas in truth and in fact, William Beard and John Balgery, on behalf of D. P. C. eſquire, then candidate at the ſaid election, did, in the preſence and hearing of the ſaid S. C. make divers objections at the time of polling at the ſaid election, to the polling of the ſaid C. H. and of the ſaid other perſons ſo enjoying the freedom of the ſaid borough by gift from the ſaid common hall as aforeſaid, and the ſaid C. S at the time of making the ſaid affidavit well knew the ſame; and whereas in truth and in fact the ſaid H. B. on the behalf of D. P. C. eſquire, then a candidate as aforeſaid at the ſaid election, did, in the preſence and hearing of the ſaid S. C. make divers objections at the time of polling at the ſaid election, to the polling of the ſaid C. H., and then and there declared that he meant to object in like manner to every perſon ſo enjoying the freedom of the ſaid borough by gift from the common-hall as aforeſaid, unleſs the ſaid C. H. then proceeding and acting as mayor of the ſaid borough, and as the then returning officer of a burgeſs to ſerve in parliament for the ſaid borough, would take the objections then made as aforeſaid to extend and apply to all the ſaid other perſons ſo enjoying the freedom of the ſaid borough by gift from the common-hall as aforeſaid; and ſo the ſaid S. C. at the time of making his ſaid affidavit, well knew the ſame: And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid S. C. on the ſaid eighth day of June, in the fifteenth year aforeſaid, at Derby aforeſaid, in the ſaid county, on his oath aforeſaid, before the ſaid J. J. then and there having lawful and competent authority to adminiſter the ſaid oath to the ſaid S. C. as aforeſaid, falſely, wickedly,

wickedly, maliciouſly, wilfully, and corruptly, in manner and form aforeſaid, did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, to the evil example of all others in the like caſe offending, and againſt the peace of our lord the king, his crown and dignity.

N. B. Defendant was acquitted, and afterwards brought an action againſt the proſecutor for a malicious proſecution, and had a verdict for 500L. Trinity 1777, before Lord Mansfield, at Weſtminſter.

Indictment for perjury, before arbitrators, by a quaker, on his affirmation.

LONDON, to wit.. The jurors for our ſovereign lord the king upon their oath preſent, that before the day of taking this inquiſition, divers diſputes and differences had ariſen, and were depending between A. B. and C. D. aſſignees of the eſtates and effects of R. E. late of, &c. a bankrupt, according to the force, form, and effect of the ſeveral ſtatutes concerning bankrupts of the one part; and E. F. and G. H. aſſignees of the eſtate and effects of W. S. a bankrupt, according to the form and effect of the ſeveral ſtatutes aforeſaid of the other part: and thereupon for putting an end to the ſaid diſputes and differences, as well the ſaid A. B. and C. D. as the ſaid E. F. and G. H. aſſignees as aforeſaid heretofore, to wit, on, &c. in the year of the reign of our ſovereign lord George the Third, now king of Great Britain, reſpectively ſubmitted themſelves to the award, order, arbitrament, final end, and determination of A. C. and T. C. arbitrators indifferently named, elected, and choſen, as well on the part and behalf of the ſaid A. B. and C. D. as of the ſaid E. F. and G. H. aſſignees as aforeſaid, to arbitrate, award, order, adjudge, and determine of and concerning the ſaid diſputes and differences, ſo as the ſaid award ſhould be made in writing, ready to be delivered to the parties in difference, or ſuch of them as ſhould require the ſame, on or before the day of then next enſuing; and it was then and there agreed by and between the ſaid parties in difference, that the ſaid R. E. (being one of the people called quakers) ſhould be examined by and before the ſaid arbitrators, touching and concerning the ſaid matters in difference, upon his ſolemn affirmation, to be taken before ſome one of his majeſty's juſtices of the court of king's bench, or common pleas, or ſome one of the barons of his majeſty's court of exchequer, according to the form of the ſtatute in ſuch caſe made and provided: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that afterwards, to wit, on, &c. in the year aforeſaid, at, &c. the ſaid R. E. in purſuance of the ſaid agreement, came in his proper perſon (then and ſtill being one of the people called quakers), and was then and there duly affirmed, according to the form of the ſtatute in ſuch caſe made and provided; and upon ſuch affirmation, he the ſaid R. E. (ſo being one of the people called quakers as aforeſaid) did then and there ſolemnly affirm and declare, that the evidence he ſhould give to the ſaid arbitrators touching and concerning the ſaid matters in difference ſhould be the truth, the whole truth, and nothing but the truth (the ſaid then and there having full power and authority to adminiſter the ſaid affirmation to the ſaid R. E. in that behalf): And the jurors aforeſaid, upon their oath aforeſaid, do further

further present, that afterwards, to wit, on, &c. at, &c. the said arbitrators met, and took upon themselves the burthen of the said arbitration; and that upon the said arbitration certain questions then and there arose, and it became and was then and there material and necessary for the said arbitrators to know and ascertain whether the said R. E. had actually paid to the said W. S. for or on account of a certain ship or vessel called the Amazon, tradesmen's bills to the amount of eight thousand four hundred pounds and upwards; and in particular, whether he the said R. E. had paid for him the said W. S. eleven guineas *per* ton for the hull of the said ship or vessel; and also whether the said W. S. had paid the said R. E. six thousand seven hundred pounds and upwards, in cash and bills, on account of the said sum of eight thousand four hundred pounds and upwards; and also whether there was a balance then due from the estate of the said W. S. to the estate of the said R. E. of one thousand seven hundred pounds and upwards; and also whether if the said R. E. had been paid the balance of one thousand seven hundred pounds and upwards, he would have gained or lost by the whole transaction between them relative to the said ship or vessel; and the said R. E. then and there appeared, and was interrogated and examined upon his aforesaid affirmation by and before the said arbitrators, as to such facts and circumstances: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. E. being so affirmed, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and in no wise regarding the laws of this realm, or fearing the penalties therein contained, then and there, to wit, on, &c. at, &c. upon the said arbitration, by his own act and consent, and upon his aforesaid affirmation before the said arbitrators (they the said arbitrators then and there having such power and authority to administer the said affirmation to the said R. E. in that behalf), did wilfully, falsely, and corruptly affirm, declare, and give in evidence (amongst other things) to the said arbitrators, that he the said R. E. had actually paid for the said ship or vessel called the Amazon, tradesmen's bills to the amount of eight thousand four hundred guineas and upwards; in particular, that he the said R. E. had paid for him the said W. S. eleven guineas *per* ton for the hull of the said ship; and that the said W. S. had paid to him the said R. E. six thousand seven hundred pounds and upwards, in cash and bills, on account of the said sum of eight thousand four hundred pounds and upwards; and that there was a balance then due from the estate of the said W. S. to the estate of the said R. E. of one thousand seven hundred pounds and upwards; and that if the said R. E. had been paid the said balance of one thousand seven hundred pounds and upwards, he would neither have gained or lost by the whole transaction between them, relative to the said ship or vessel; whereas in truth and in fact the said R. E. had not actually paid for the said W. S. for or on the account of the said ship or vessel called the Amazon, tradesmen's bills to the amount of eight thousand four hundred pounds and upwards; and in particular, the

 said

ſaid R. E. had not paid for him the ſaid W. S. eleven guineas *per* ton for the hull of the ſhip or veſſel; and whereas in truth and in fact the ſaid W. S. had not paid to him the ſaid R. E. ſix thouſand ſeven hundred pounds in caſh or bills on account of the ſaid ſum of eight thouſand four hundred pounds and upwards; and whereas in truth and in fact there was not a balance then due from the eſtate of the ſaid W. S. to the eſtate of the ſaid R. E. of one thouſand ſeven hundred pounds or upwards; and whereas in truth and in fact if the ſaid R. E. had been paid the ſaid balance of nine hundred pounds and upwards, he would have gained by the whole tranſaction between them relative to the ſaid ſhip or veſſel; and ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid R. E. (ſo being one of the people called quakers as aforeſaid), on, &c. at, &c. before the ſaid (he the ſaid then and there having full power and authority to adminiſter the ſaid affirmation to the ſaid R. E. in that behalf), by his own act and conſent did wilfully, falſely, and corruptly affirm and declare in manner and form aforeſaid, to the great diſpleaſure of Almighty God, in contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity, &c. *Drawn by Mr.* TIDD.

Indictment for perjury in an affidavit before a maſter in chancery for the purpoſe of ſupporting a petition to the lord chancellor to ſet aſide a commiſſion of bankruptcy on the ground of its having been unduly obtained.

MIDDLESEX, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that heretofore, to wit, on, &c. in the twenty-eighth year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. a certain commiſſion of bankrupt, under the great ſeal of Great Britain, bearing date at Weſtminſter, the ſame day and year aforeſaid, was duly awarded and iſſued againſt J. F. by the name and addition of J. F. late of, &c. horſe-dealer and chapman, directed to certain commiſſioners therein named, who thereupon duly found and declared the ſaid J. F. to be a bankrupt: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that afterwards, to wit, on, &c. in the twenty-ninth year of the reign of our ſaid lord the now king, a certain petition was preſented to the right honourable the lord high chancellor of Great Britain, by and on the behalf of T. M. J. T. and T. L. ſhewing (amongſt other things) that they the ſaid petitioners had great reaſons to believe that the ſaid commiſſion ſo iſſued againſt the ſaid J. F. was iſſued for the expreſs purpoſe of ſerving the ſaid bankrupt, and to defraud them the ſaid petitioners of their reſpective demands therein mentioned, and praying that the ſaid lord high chancellor would be pleaſed to order the ſaid commiſſion of bankruptcy awarded and iſſued againſt the ſaid J. F. to be ſuperſeded: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that D. J. late of, &c. contriving and intending to injure and aggrieve the ſaid J. F. and to put him to great trouble, charges, and expence of his monies, afterwards, that is to ſay, on, &c. in the twenty-ninth year of, &c. at, &c. in, &c. came in his proper perſon, before T. W. eſquire, then being one of the maſters of the high

court

court of chancery of our said lord the king (the said court then and still being held at Westminster, in the county of Middlesex aforesaid), and did then and there produce and exhibit to and before the said T. W. esquire, a certain affidavit in writing of him the said D. J. in support of the said petition, and then and there, before the said T. W. was duly sworn, and took his corporal oath upon the holy Gospel of God concerning the truth of the matter contained in the said affidavit (he the said T. W. then and there having a lawful and competent authority to administer the said oath to the said D. J.): And the said D. J. being so sworn as aforesaid, not having the fear of God before his eyes, and being moved and seduced by the instigation of the devil, and having no regard to the laws and statutes of this realm, nor fearing the punishment therein contained, did then and there, to wit, on, &c. in the twenty-ninth year aforesaid, at, &c. in, &c. in and by his affidavit aforesaid, upon his oath aforesaid, before the said T. W. then and there being one of the masters of the said court of chancery, and having a lawful and competent authority to administer the said oath to the said D. J. falsely, corruptly, knowingly, wilfully, and maliciously, deposed and swore as follows, that is to say: In chancery (meaning the said court of chancery), in the matter of J. F. a bankrupt (meaning the said J. F.), D. J. of, &c. (meaning the said D. J.) maketh oath and saith, that J. R. who this deponent (meaning the said D. J.) is informed is the petitioning creditor under the commission of bankruptcy awarded and issued against the said J. F. (meaning the said commission of bankruptcy), in company with the said J. F. the said bankrupt, did, some time on or about the month of December 1787, call upon this deponent (meaning the said D. J.) at his (meaning the said D. J.'s) house in Grosvenor Mews: and this deponent (meaning the said D. J.) further saith, that after some little conversation had passed between the said J. R. J. F. and this deponent (meaning the said D. J.) the said J. R. began a conversation with this deponent (meaning the said D. J.) by saying they (meaning the said J. R. and J. F.) came to this deponent (meaning the said D. J.) upon particular business; and upon requesting to know what that business was, the said J. R. told this deponent (meaning the said D. J.), that he (meaning the said J. R.) supposed this deponent (meaning the said D. J.) must have heard that the said J. F. was determined to become a bankrupt; but as he (meaning the said J. F.) wanted a person to become a petitioning creditor, they (meaning the said J. R. and J. F.) had fixed on this deponent (meaning the said D. J.) for that purpose; and then asked this deponent (meaning the said D. J.) if he (meaning the said D. J.) would become such petitioning creditor; but this deponent (meaning the said D. J.) saith, that being much irritated at such request, &c. &c. (set out the affidavit, with the necessary *inuendos*); as by the said affidavit more fully appears: whereas in truth and in fact the said J. R. in company with the said J. F. the bankrupt, or otherwise, did not, at any time in or about the month of December 1787, call upon the said D. J. in Grosvenor Mews;

and whereas in truth and in fact the said J. R. did not begin or hold such conversation with the said D. J. as is stated in the affidavit of him the said D. J.; and whereas in truth and in fact the said J. R. did not tell the said D. J. that he supposed the said D. J. must have heard that the said J. F. was in trouble, or that he was determined to become a bankrupt, or as that he wanted a person to become a petitioning creditor they had fixed on the said D. J. for that purpose, or anything of that or the like purport or effect; and whereas in truth and in fact the said J. R. did not ask the said D. J. if he would become such petitioning creditor: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said D. J. on the said nineteenth day of December, in the twenty-ninth year aforesaid, at, &c. in, &c. before the said T. W. then being one of the masters of the court of chancery, and having such authority as aforesaid, by his own act and consent, and of his own most wicked and corrupt mind, in manner and form aforesaid, did falsely, knowingly, wickedly, and maliciously commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Drawn by Mr. TIDD.

Indictment for perjury in an affidavit made in the court of king's bench relative to the removal of a nuisance in the river Thames, for which defendant had been indicted and convicted at the assizes.

MIDDLESEX, to wit. The jurors for our sovereign lord the now king upon their oath present, that heretofore, that is to say, on Wednesday the third day of, &c. at, &c. in, &c. before the right honourable William lord Mansfield, chief justice of our lord the king assigned to hold pleas before the king himself, and Sir Sidney Stafford Smythe, knight, lord chief baron of his majesty's court of exchequer, justices of our said lord the king assigned to hold the assizes in and for the county of S. aforesaid, a certain bill of indictment before then duly found against W. G. late of, &c. by the name and addition of W. G. late of, &c. for unlawfully erecting and continuing a certain nuisance, to wit, certain ledges and dams in and across a certain navigable river being the king's common highway, at Richmond, in the parish of, &c. in, &c. called the river Thames, otherwise the Thames, used for all the king's subjects with their barges, boats, and other vessels, to navigate, sail, pass, and repass in and along the same, at their will and pleasure; whereto the said W. G. had pleaded that he was not guilty of the premises in the said indictment contained, and whereon the issue was duly joined between our sovereign lord the king and the said W. G.; and the said W. G. came on to be tried, and was tried; and the said W. G. was then and there, to wit, on, &c. before the justices aforesaid, in due manner and according to due course of law, by a jury of the said county of Surry, found guilty of the premises in the said indictment specified and charged upon him, in manner and form as by the said indictment was alledged against him: And the jurors aforesaid, now here charged and sworn to enquire in form aforesaid, upon their oath

oath aforesaid, do further present, that after the conviction of the said W. G. and before the said court of our said lord the king before the king himself had passed any judgment on the said W. G. for the offence whereof he had been so convicted, to wit, on, &c. the said W. G. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and contriving and diabolically intending not only to elude, but also to subvert the laws and public justice of this kingdom, and to avert the truth itself, came personally into the said court of our said lord the king before the king himself (the said court then and still being held at W. in the said county of Middlesex), and took his corporal oath on the holy Gospel of God before the said court, the same being then and still held at W. in the said county of Middlesex, in the great hall of pleas there called Westminster Hall, the said court then and there having full power and authority to administer an oath to the said W. G. in that behalf, and then and there, to wit, on, &c. in the said court of our said lord the king before the king himself (the said court then and still being held at W. in the said county of Middlesex), by his own act and consent, upon his said oath, before the said court (the said court then and there having such full power and authority to administer an oath to the said W. G. as aforesaid), falsely, wilfully, maliciously, and corruptly, did say, depose, swear, and make affidavit in writing; which said affidavit is intitled as follows, to wit: In the king's bench, the King *versus* Geter, &c. and was made by the said W. G.; by which said affidavit the said W. G. did (amongst other things) falsely, &c. say, &c. as follows, that is to say: And first, this deponent W. G. (meaning himself the said W. G.) having at the last assizes holden at, &c. in, &c. (meaning the assizes before mentioned) been convicted of unlawfully erecting and placing and continuing a certain ledge or dam in and across the river of Thames, near Richmond, in the county of Surry (meaning the nuisance aforesaid), he this deponent (meaning himself the said W. G.) did, in the month of August last (meaning the month of August in the year 1774), as soon as the then late flood had abated, and shortly after the said trial (meaning the trial of the aforesaid indictment) cause the same (meaning the said ledge or dam), or such part thereof as appeared to him (meaning himself the said W. G.) to be absolutely necessary, to be effectually removed, the only small part thereof (meaning the said ledge or dam), which he this deponent (meaning himself the said W. G.) left still remaining in the said river (meaning the said river of Thames) being several feet below the surface of the water even at low water, and such as he this deponent (meaning himself the said W. G.) apprehended and believed not to be anyways the least injurious or prejudicial to the navigation of the said river (meaning the said river of Thames): And this deponent (meaning himself the said W. G.) further saith, that on, &c. in the afternoon of the same day, he (meaning himself the said W. G.) employed A. B. C. D. &c. three of this deponent's (meaning his the said W. G.'s) servants, to pull up and remove the remainder of the said

ledge or dam, and that they (meaning the ſaid A. B. C. D. &c.) then levelled or made the ſame (meaning the ſaid ledge or dam) even with the bed of the river (meaning the river Thames) there; in conſequence of which no part whatever of the ſaid ledge or dam then remained in or upon the bed of the ſaid river (meaning the river Thames), or any part thereof: And the ſaid W. G. in another part of the ſaid affidavit, did, among other things, falſely, &c. ſay, &c. as follows, that is to ſay: And this deponent W. G. together with theſe deponents A. B. C. D. &c. (meaning the ſaid A. B. C. D. &c.) ſeverally make oath and ſay, that the ſaid J. P. (meaning one J. P. in the ſaid affidavit before named) and ſeveral other perſons, who, as they theſe deponents (meaning the ſaid W. G. A. B. &c.) have been informed and verily believe, were employed by the ſaid proſecutor in this cauſe (meaning the right honourable ——— Cowper), or by the ſaid J. P. on her (meaning the ſaid Cowper's) behalf, have lately, under pretence of taking up or removing the ſaid ledge or dam for which he this deponent the ſaid W. G. was convicted as aforeſaid, made and dug ſeveral pits and holes in the ſoil or bed of the ſaid river, each of which (meaning the ſaid pits or holes) were eighteen or twenty feet, or thereabouts, wide or diſtant from the place where the ſaid ledge or dam for which he this deponent (the ſaid W. G.) was ſo convicted as aforeſaid, was theretofore placed, ſome of which pits or holes were four feet below the bed or ſoil of the ſaid river (meaning the ſaid river Thames) as by the ſaid affidavit, affiled of record in the ſaid court of the ſaid lord the king before the king himſelf here, to wit, at Weſtminſter, in the ſaid county of Middleſex, reference being thereunto had will among other things fully appear: whereas in truth and in fact the ſaid W. G. did not in the ſaid month of Auguſt, as ſoon as the then late floods had abated, and ſhortly after the ſaid trial, or at any other time whatſoever, cauſe the ſaid ledge or dam, or ſuch part thereof as appeared to him to be abſolutely neceſſary, to be effectually removed; and whereas in truth and in fact the part of the ſaid ledge or dam which the ſaid W. G. left ſtill remaining in the ſaid river (as mentioned in the affidavit of the ſaid W. G. in that behalf) was not ſeveral feet below the ſurface of the water even at low water; and whereas in truth and in fact the ſame was not ſuch as he the ſaid W. G. could apprehend or believe to be anyways the leaſt injurious or prejudicial to the navigation of the ſaid river; and whereas in truth and in fact, had the ſame been ſuffered to remain, it muſt at low water have been injurious and prejudicial to the navigation of the ſaid river, and ſo he the ſaid W. G. well knew at the time of the making his affidavit aforeſaid; and whereas in truth and in fact the ſaid W. G. did not on, &c. in the afternoon of the ſame day, or at any other time whatſoever, employ the ſaid A. B. &c. to pull up and remove the remainder of the ſaid ledge or dam, nor did they then, or at any other time whatſoever, on that day or at any other time, level or make the ſame even with the bed of the ſaid river there; and whereas in truth and in fact a great part of the ſaid ledge

or

or dam, on, &c. remained in and upon the bed of the ſaid river, that is to ſay, at, &c.; and whereas in truth and in fact neither the ſaid J. P. nor any other perſon whatſoever employed by the ſaid Cowper the proſecutrix of the aforeſaid indictment, or by the ſaid J. P. on her behalf, did, under pretence of taking up or removing the ſaid ledge or dam for which the ſaid W. G. was ſo convicted as aforeſaid, or under any other pretence whatſoever, make and dig any pits and holes in the ſoil and bed of the ſaid river, each of which were near eighteen or twenty feet, or thereabouts, wide or diſtant from the ſaid place where the ſaid ledge or dam for which the ſaid W. G. was ſo convicted as aforeſaid was thentofore placed, nor were or was ſome or any of ſuch pits and holes about four feet below the bed or ſoil of the ſaid river: And ſo the ſaid now jurors for our ſaid lord the now king upon their oath aforeſaid ſay, that the ſaid William, on, &c. in the ſaid court of our ſaid lord the king before the king himſelf (the ſaid court then and ſtill being held at Weſtminſter, in the ſaid county of Middleſex), before the court (the ſaid court then and there as aforeſaid having full power and authority to adminiſter an oath to the ſaid W. G. in that behalf), by, of, and through the ſaid W. G. his own act and conſent, in manner and form aforeſaid, upon his oath aforeſaid, falſely, &c. committed wilful and corrupt perjury, to the great diſpleaſure of Almighty God, in contempt of the laws of this realm, to the wicked and evil example of all others in the like caſe offending, to the ſubverſion of public juſtice and good government of this kingdom, and againſt the peace of our ſaid lord the now king, his crown and dignity, &c.

Drawn by Mr. MORGAN.

Indictment for perjury in an affidavit to procure a rule to compel two attorneys to anſwer to the ſeveral matters contained in the affidavit, &c. &c.

KENT, *ſſ.* The jurors for our lord the king upon their oath preſent, that Robert Walker, late of Chatham, in the county of Kent, rigger, being a perſon of a wicked mind and turbulent diſpoſition, on, &c. in the thirteenth year of the reign of, &c. by the grace of God, &c. at, &c. in, &c. in his own proper perſon, together with one Alexander Lowrie, come before William Twopenny, gentleman, then being one of the commiſſioners of our ſaid lord the king lawfully authorized and empowered to take and receive all and every ſuch affidavit and affidavits in the ſaid county of Kent as any perſon or perſons ſhould be willing and deſirous to make before him concerning any cauſe, matter, and thing depending or in anywiſe concerning any of the proceedings in the court of king's bench, according to the form of the ſtatute, &c.; and the ſaid R. W. and A. L. on, &c. in, &c. at, &c. in, &c. took their corporal oaths, and each of them the ſaid R. W. and A. L. took his corporal oath upon the Goſpel of God, before the ſaid William Twopenny (he the ſaid W. T. then and there having ſufficient power and competent authority to adminiſter an oath to the ſaid R. W. and A. L. ſeverally in that behalf, by virtue of the ſaid ſtatute in, &c. and of a certain commiſſion under the ſeal of the

ſaid court, duly iſſued out of the ſaid court, purſuant to the ſaid ſtatute); and that the ſaid R. W. being ſo ſworn, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, and unlawfully, wickedly, maliciouſly, and unjuſtly deſigning, contriving, and intending greatly to oppreſs, vex, and aggrieve George Taylor, &c. &c. then being ſeverally attorneys of the ſaid court of king's bench, and to cauſe and procure a rule of the ſame court to be wrongfully, and without any juſt cauſe, iſſued againſt the ſaid George Taylor, &c. &c. to compel and oblige them ſeverally to anſwer the ſeveral matters contained in the affidavit of the ſaid R. W. and A. L. and thereby to induce and bring them into great expence of their monies, on, &c. in, &c. at, &c. in, &c. before the ſaid W. T. upon his oath, did falſely and maliciouſly, wilfully, wickedly, and corruptly, ſay, depoſe, ſwear, and make affidavit in writing; which ſaid affidavit ſo made by the ſaid R. W. and alſo by the ſaid A. L. is intitled, "In the king's bench, "between Robert W. and Frances his wife, plaintiffs, and A. L. "and Mary his wife, defendants:" in and by which ſaid affidavit the ſaid Robert did ſay, depoſe, and ſwear as followeth, that is to ſay (here ſet out the affidavit, and then aſſign the perjury; after which conclude thus): And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid R. W. on, &c. in, &c. at, &c. in, &c. before the ſaid W. T. having ſufficient power, &c. falſely, &c. by his own act and conſent, for the wicked intents and purpoſes aforeſaid, in manner and form aforeſaid, did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for perjury againſt a perſon for making an affidavit that he had been attending a ſubpœna at the time when he was arreſted by virtue of a writ of *ca. ad re.* in order to obtain his diſcharge.

SURRY, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that the liberty of the mayor, commonalty, and citizens of London of their town and borough of Southwark, in the county of Surry, is an ancient liberty; and that within the ſaid liberty there now is, and from time whereof, &c. there hath been a certain ancient court of record of our ſaid lord the king and his predeceſſors, kings and queens of England, holden at the court-houſe for the time being within the town and borough aforeſaid, and within the juriſdiction of the ſaid court, before the ſteward of the ſaid court for the time being, on Monday in every week, for the trial of perſonal actions from time to time ariſing within the ſaid borough, and within the juriſdiction of the ſaid court: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that heretofore, to wit, on, &c. in, &c. John Hall, late of the pariſh of, &c. in, &c. ſaleſman, was duly and legally arreſted within the town and borough of Southwark, in the ſaid county of Surry, and within the juriſdiction of the ſaid court, by one Stephen Stratford, then and ſtill being an officer and miniſter of the court aforeſaid, under and by virtue of a certain writ of our ſaid lord the king commonly called a *capias ad reſpondendum*, before then iſſued

out

out of the said court, according to the custom of the said court, at the suit of one Johannah Smith, in a certain personal action before then commenced by the said Johannah Smith against the said John Hall in the said court, according to the custom of the said court, and by the said Johannah Smith alledged to arise within the jurisdiction of the said court: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the said arrest, and whilst the said John Hall remained in the custody of the said Stephen Stratford under and by virtue of the said arrest as aforesaid, that is to say, on, &c. in, &c. he the said John Hall came personally into the said court of our said lord the king of the liberty of the mayor, commonalty, and citizens of the city of London of their said town and borough of Southwark, in the county of S. aforesaid, then holden at the court house within the said town and borough, and within the jurisdiction of the said court, that is to say, in the parish of, &c. in, &c, before Bamber Gascoigne, esquire, then steward of the said court, and did then and there, that is to say, in the said court so holden as aforesaid, and within the jurisdiction aforesaid, to wit, at, &c. in, &c. in order to be discharged from the said arrest and from the custody of the said Stephen Stratford, produce and exhibit to John Townshend, then and still being prothonotary of the said court, and an officer and minister of the court aforesaid, a certain writing, for the purpose of making the same an affidavit of him the said John Hall, and the said John Hall was then and there in due form of law and in due course of justice sworn, and did then and there, for the purpose of being discharged as aforesaid, take his corporal oath upon the holy Gospel of God, by and before the said John Townshend (he the said J. T. having sufficient power and authority to administer an oath to the said John Hall in that behalf), of the truths of the matter contained in the same writing; and the said John Hall did then and there swear upon his oath so taken by and before the said J. T. as aforesaid, that the matters contained in the same writing were true, and did thereby make the same writing and affidavit of him the said John Hall: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Hall so being sworn, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, did falsely, wickedly, and corruptly, in his affidavit aforesaid, say and swear in these words following, that is to say (here set forth the affidavit), as by the said affidavit, duly filed in the said court of our said lord the king, will fully appear: whereas in truth and in fact the said John Hall, at the time he was so arrested, did not inform the said Stephen Stratford, the said officer, that he the said John Hall had been attending in obedience to the said subpœna in the said affidavit mentioned; and whereas in truth and in fact the said John Hall, at the time he was so arrested, did not inform the said Stephen Stratford, the said officer, that he had been attending in obedience to any subpœna whatsoever; and whereas in truth and in fact the said John, at the time he was so arrested, did not shew him the said S. S. the said copy of the said subpœna in the said

affidavit

affidavit mentioned, and thereunto annexed; and whereas in truth and in fact the said John Hall, at the time he was so arrested, did not shew him the said S. S. a copy of any subpœna whatsoever; and whereas in truth and in fact the said John Hall did not, on, &c. that is to say, on, &c. attend the said court in obedience to the said writ of subpœna in the said affidavit mentioned; and whereas in truth and in fact the said John Hall did not, on, &c. last past, that is to say, on, &c. attend the said court in obedience to any writ of subpœna whatsoever: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Hall, on, &c. in, &c. to wit, at, &c. in, &c. in his affidavit aforesaid, so as aforesaid sworn by and before the said T. T. of his wicked mind, falsely, maliciously, wilfully, and corruptly did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said sovereign lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

C. RUNNINGTON.

The affidavit stated, that he had been served with a subpœna to attend the court, and was arrested as he was returning home.

Indictment for perjury in the false affirmation of a quaker, on a trial at *nisi prius*, concerning certain houses and lands, respecting which commissioners had been appointed under an act of parliament to pull them down, and defendant had affirmed before a jury returned to assess the value, &c. pursuant to the act that the premises were his freehold, and he had bought them; which he denied on the trial, and falsely affirmed to the contrary.

MIDDLESEX. The jurors for our sovereign lord the king, upon their oath present, that before the day of taking this inquisition, to wit, on the twenty-fifth day of August, in the year of our Lord 1778, J. C. &c. commissioners severally appointed to put in execution an act of parliament passed in the eighteenth year of the reign of our lord the now king, intitled, &c. (set forth the title of the act), duly issued a certain precept under their hands and seals, directed to R. P. esquire, and R. C. esquire, sheriff of the county of Middlesex, or his deputy, and did thereby, by virtue of the power and authority vested in them by the said act, for that purpose command and require him the said sheriff to impannel, summon, and return a competent number of substantial or disinterested people of his county, qualified to serve on juries, not less than twenty-four, or more than forty-eight, to come and appear before the said commissioners in or by the said act authorized or appointed as aforesaid, on Thursday the tenth day of September then next ensuing, at nine o'clock in the forenoon, in the committee-room of Whitechapel workhouse, in Whitechapel-road, in the parish, &c. in the county, &c. so that out of such persons so impannelled, summoned, and returned, a jury should be drawn, in order to assess the value of such of the several houses, shops, warehouses, or parts thereof; lands, grounds, tenements, and hereditaments, situate in or near the said avenue called Dirty-lane, as the said commissioners should have occasion to purchase and take down for the purposes of the said act, as also the damage that would be sustained thereby, and of the proportionable value of the respective acts and interest claimed therein, as would be made appear to the said jury at the time and place

place aforesaid: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said precept was afterwards, and before the day of taking this inquisition, to wit, on the tenth day of September, in the aforesaid year 1778, duly executed; and that at and upon the execution thereof, as well the value of certain premises, to wit, a messuage, and a piece of land, with the appurtenances, situate in the said avenue called Dirty-lane, in the parish and county aforesaid, whereto and whereof Michael Munns, of the said parish of Whitechapel, in the said county of M. baker, claimed title, and was possessed, and which the said commission for putting into execution the aforesaid act of parliament, were about to purchase for the purposes in the said act mentioned, as the damage that would be sustained thereby was assessed by the said jurors of a certain jury there drawn under and by virtue of and for the purposes in the aforesaid precept mentioned; and that upon the execution of the said precept of the said M. M. was produced as a witness touching and concerning the aforesaid messuage and land, with the appurtenances, and of concerning his title thereto; and the said M. M. (being one of the people called quakers) was then and there at and upon the execution of the said precept, examined upon his solemn affirmation or declaration, by and before the said sheriff of the said county of M. touching and concerning the said messuage and land, with the appurtenances, and his title thereto: And the said now jurors, upon their oath aforesaid, do further present, that after the execution of the said precept, and before the day of taking this inquisition, to wit, on the second day of June, in the nineteenth year of the reign of our lord the now king, the said commissioners for putting in execution the aforesaid act of parliament, did by J. N. &c. there by them then and there lawfully appointed, proceed to, and did take down a part of the aforesaid messuage, for the purposes in the said act of parliament mentioned: And the said now jurors, upon their oath aforesaid, do further present, that afterwards, and before the taking of this inquisition, to wit, in Michaelmas term, in the twentieth year of the reign of our lord the now king, one E. B. claiming title to and alledging himself to be seised in his demesne as of fee of and in the said messuage, with the appurtenances, impleaded the said J. N. &c. in the court of our said lord the now king, before Sir William de Grey, knight, and his brethren, then his Majesty's justices of the bench at Westminster, in the said county of Middlesex, in a certain plea of trespass on the case, to the damage of the said E. B. of four hundred pounds, of and for the identical taking down the said part of the aforesaid messuage, and for the damage done on that occasion: And the said jurors, upon their oath aforesaid, do further present, that issue was afterwards, to wit, in Hilary term, in the twentieth year aforesaid, duly joined in the said plea between the said E. B. and the said J. N. &c. and that the said issue afterwards, and before the taking this inquisition, to wit, on the nineteenth day of February, in the twentieth year aforesaid, duly came in to be tried, and was tried before Sir George Nares, knight, then being one of the justices of

the

the said court of our said lord the now king of the bench at Westminster aforesaid, in the said county of M. in the great hall of pleas there called Westminster-hall, according to the form of the statute in such case made and provided, by a jury of the county then and there sworn and charged to try the said issue, and that upon the said trial of the issue aforesaid, to wit, on the said nineteenth day of February, in the twentieth year aforesaid, at Westminster aforesaid, the said M. M. was produced before the said Sir George Nares, knight, as a witness on the part and behalf of the said E. B.; and the said M. M. so being one of the people called quakers as aforesaid, was then and there upon the said trial of the said issue affirmed according to the form of the statute in such case made and provided, before the said Sir George Nares, knight, and upon such affirmation or declaration, the said M. M. so being one of the people called quakers as aforesaid, did solemnly, sincerely, and truly declare and affirm, that the evidence he should then give to the court then and there, and the said jury so sworn as aforesaid, touching the matter then in question, should be the truth, the whole truth, and nothing but the truth (the said Sir John Nares, knight, then and there having full power and authority to administer the said affirmation or declaration to the said M. M. in that behalf): And the jurors aforesaid, upon their oath aforesaid, do further present, that upon the said trial certain questions then and there arose of and concerning the testimony and evidence which the said M. M. gave before the said sheriff of the county of M. and the jurors of the jury so sworn and impannelled as aforesaid, to the tenor, purport, and effect following, to wit, whether the said M. M. did not, before the jury who assessed as well the value of the aforesaid messuage and land, with the appurtenances, as the damage which would be sustained in taking down the aforesaid part thereof, say, that the aforesaid messuage and land, with the appurtenances, were his freehold? and whether the said M. M. did not, upon the execution of the aforesaid precept, tell the said jury so thereon drawn as aforesaid that he had bought the freehold of the said messuage and land, with the appurtenances? And the jurors aforesaid, on their oath aforesaid, do further present, that the said M. M. being, &c. and having so affirmed and declared as aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and contriving and wickedly intending not only to elude, but to subvert the laws and public justice of this kingdom, and wrongfully and unjustly to hurt, prejudice, and injure the said J. N. &c. the defendants in the said issue, and wrongfully and unjustly to cause a verdict to pass and be given against them therein, and to avert truth itself, he the said M. M. then and there, to wit, on the said nineteenth day of February, in the twentieth year aforesaid, at Westminster aforesaid, in the said county of M. at the said trial of the said issue, by his own act and consent, and upon his said affirmation before the said Sir George Nares, knight (he the said Sir George Nares, knight, then and there having such full power and authority to administer the said affirmation or declaration to the said M. M. so

being

being one of the people called quakers as aforesaid), did wilfully, falsely, and corruptly affirm and declare (amongst other things) to the jurors of the said jury then and there sworn and charged to try the said issue between the parties aforesaid, that he (the said M. M.) never said that the house (meaning the said messuage hereinbefore particularly mentioned and described) was his freehold; that he (the said M. M.) did not tell the jury (meaning the said jury so drawn under and by virtue of the said precept as aforesaid) that he had bought the freehold (meaning the freehold of the said messuage); and upon the said M. M. being again interrogated upon the trial of the said issue, whether he had not, at and upon the execution of the aforesaid precept, told the said jury so thereon drawn as aforesaid, that he had bought the freehold of the said messuage, with the appurtenances; he the said M. M. then and there, on the said nineteenth day of February, in the twentieth year aforesaid, at Westminster aforesaid, on the said trial, and on his affirmation and declaration aforesaid, did wilfully, falsely, and corruptly affirm and declare, that he (the said M. M.) never told them (meaning the said jury lastly mentioned) so (meaning that he had bought the freehold of the said messuage), and that he (the said M. M.) told the said jury lastly mentioned that the conveyances (meaning conveyances to pass to and vest in him the said M. M. the freehold of and in the said messuage, with the appurtenances) could not be made to him (the said M. M.), because there was not enough sold to pay off the mortgage: whereas in truth and in fact the said M. M. did say that the house, that is to say, the said messuage herein before particularly mentioned and described, was his freehold; and whereas in truth and in fact the said M. M. did, upon the execution of the aforesaid precept, that is to say, on the tenth day of September, in the eighteenth year aforesaid, affirm, declare, and say unto and before the jurors of the said jury, who assessed as well the value of the aforesaid messuage and land, with the appurtenances, as the damages which would be sustained by the taking down the aforesaid part of the said messuage, that the aforesaid messuage was his freehold; and whereas in truth and in fact the said M. M. did tell the jury, to wit, the jurors of the said jury drawn upon the execution of the said precept as aforesaid, that he had bought the freehold, that is to say, the freehold of the said messuage, with the appurtenances; and whereas in truth and in fact the said M. M. upon the execution of the aforesaid precept as aforesaid, did affirm, declare, and say unto the jurors of the said jury last-mentioned, that he the said M. M. had bought the freehold of the said messuage, with the appurtenances; and whereas in truth and in fact the said M. M. did not, upon the execution of the said precept aforesaid, tell the jurors of the said jury thereon drawn as aforesaid that the conveyances (meaning the conveyances for the purpose aforesaid) could not be made to him, because there was not enough sold to pay off the mortgage; and whereas in truth and in fact the said M. M. did not, upon the execution of the aforesaid precept, affirm, declare, or give in evidence, that the conveyance of the said messuage and land, with the appur-

tenances, could not be made to him, because there was not enough sold to pay off the mortgage, nor did he the said M. M. on the execution of the said precept, affirm, declare, or give evidence to that or the like effect: And so the said now jurors for our said lord the now king upon their oath aforesaid say, that the said M. M. so being one of the people called quakers as aforesaid, on the said nineteenth day of February, in the twentieth year aforesaid, at Westminster aforesaid, in the said county of M. before the said Sir G. Nares, knight (he the said Sir George Nares, knight, then and there as aforesaid having full power and authority to administer the said affirmation or declaration in that behalf), by, of, and through the said M. M. his own act and consent, upon his aforesaid affirmation and declaration, did wilfully, falsely, and corruptly affirm and declare, to the great displeasure of Almighty God, in contempt of the laws of this realm, to the evil and wicked example of all others in the like case offending, to the subversion of the public justice and good government of this kingdom, and against the peace of our said lord the now king, his crown and dignity, &c.: And the said now jurors, upon their oath aforesaid, do further present, that before the taking of this inquisition, to wit, on the nineteenth day of February A. D. 1780, a certain issue, wherein E. B. was plaintiff and J. N. &c. were defendants, in a certain plea, to wit, a plea of trespass on the case came on to be tried, and was tried before Sir George Nares, knight, then being one of the justices of the court of our said lord the king of the bench at Westminster, in the county of M. aforesaid, in the great hall of pleas there called Westminster Hall, according to the form of the statute in such case made and provided, by a jury of the country then and there sworn and charged to try the said issue, and that upon the trial of the said last-mentioned issue the said M. M. was produced before the said (*a*) chief justice as a witness on the part and behalf of the said E. B.; and the said M. M. being one of the people called quakers, was then and there, to wit, on the said nineteenth day of February, in the year 1780 aforesaid, at W. aforesaid, in the county of M. affirmed, according to the form of the statute in such case made, &c. before the said Sir G. N. knight; and upon such affirmation or declaration the said M. M. as being one of the people called quakers as aforesaid, did solemnly, sincerely, and truly declare and affirm, that the evidence he should give to the court then and there, and the said jury so sworn and charged to try the said issue as aforesaid touching the matter then in question, should be the truth, the whole truth, and nothing but the truth (the said Sir G. N. knight, then and there having full power and authority to administer the said affirmation or declaration to the said M. M. in that behalf): And the said now jurors upon their oath do further present, that upon the trial of the said issue certain questions then

2d Count more general.

(*a*) Upon the trial of this indictment, Mr. Serjeant Walker objected to the expression of "the chief justice," as the issue was alledged to have been tried before Mr. Justice Nares; but Mr. Justice Buller, who tried this indictment, held the word "chief" to be merely surplusage.

and

and there arose of and concerning a certain house, with the appurtenances, whereof a great part had been thentofore taken down under and by virtue and for the purposes specified in a certain act of parliament made in the eighteenth year of the reign of our said lord the king, entitled, "An Act for, &c." (set forth the title of the act), and of and concerning the title to the said house, and in whom the same was vested, and also of and concerning certain testimony which the said M. M. had thentofore given of and concerning the aforesaid house, with the appurtenances, to and before a certain jury who assessed as well the value of the said house, with the appurtenances, as the damage which would be sustained by taking down such part thereof as aforesaid, according to the tenor and effect, and by virtue of the aforesaid act of parliament; and that the said M. M. was then and there, upon the said trial of the aforesaid issue, interrogated and asked, whether he the said M. M. did not, before the said last-mentioned jury, say, that the said house was his freehold? and whether he the said M. M. did not tell the jurors of the said jury lastly mentioned that he had bought the freehold of the said house? And that the said now jurors, upon their oath aforesaid, do further present, that the said M. M. being one of the people called quakers as aforesaid, so being and having so affirmed and declared as aforesaid, not having the fear of God before his eyes, but, &c. he the said M. M. then and there, to wit, on the said nineteenth day of February A. D. 1780 aforesaid, at W. aforesaid, in the said county of M. at the said trial of the said issue, by his own act and consent, and upon his said affirmation or declaration before the said Sir G. N. knight (he the said Sir G. N. knight, then and there having such full power and authority to administer the said affirmation or declaration to the said M. M. so being one of the people called quakers as aforesaid), did wilfully, falsely, and corruptly affirm and declare (amongst other things) to the jurors of the said jury so sworn and charged to try the said issue as aforesaid, that he, &c. (as in the first Count.)

Indictment for perjury in an affidavit made before a filazer to hold to bail.

MIDDLESEX, ss. The jurors for our lord the king upon their oath present, that William Gasson, late of, &c. gentleman, wickedly and maliciously contriving and intending unjustly to aggrieve one George Farraw, and also the said George to great expence of his monies wickedly to induce and bring, and also to cause the sum of ten pounds to be indorsed upon a process of the court to the said lord the king of the said C. B. at Westminster, made out by the filazer of and for the said county of Middlesex, by virtue of which the said George might, by the name of George Farraw, be arrested to answer in the same court at the suit of Thomas Hewson, with an intent that the said George should be compelled to find bail for the aforesaid sum of ten pounds, according to the form of the statute in such case made and provided, on the twelfth day of October, in the thirteenth year of the reign of our sovereign lord George the Second, now king of Great

Britain, France, and Ireland, defender of the faith, &c. at the parish of Saint Andrew, Holborn, in the county of Middlesex aforesaid, came in as proper persons before Ralph Barnes, gentleman, then deputy of Robert Eyre, esquire, then one of the filazers of the said court of common pleas, to wit, of and for the said county of Middlesex, which said Robert Eyre (*a*) then was the person who, by virtue of the said office of filazer, and according to the custom of the said court, made out the process of the same court in that behalf against the said George; and the said William Gasson did then and there take his corporal oath upon the holy Gospel of God before the said Ralph Barnes (he the said R. Barnes then and there having sufficient power and authority to administer the said oath to the said William Gasson in that behalf); and that the said William Gasson, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and little regarding the laws of this realm, or the pains and penalties in the same contained, but his aforesaid oath esteeming as nothing, then and there, on the twelfth day of October, in the said thirteenth year of the reign of our said lord the now king, at the parish of Saint Andrew, Holborn, aforesaid, in the said county of Middlesex, before the said R. B. on his oath aforesaid, falsely, maliciously, wilfully, and corruptly, did say, depose, swear, and make affidavit in writing; which said affidavit is entitled as followeth, to wit, "In the common pleas;" and the said affidavit so made by the said William Gasson, of, &c. gentleman (meaning himself the said William Gasson), maketh oath, that George Farraw (meaning the said George Farraw) is indebted to Thomas Hewson (meaning the above-named Thomas Hewson) in the sum of ten pounds, on a judgment recovered by the said T. H. against the said G. F. (meaning the said G. F.) in his majesty's court of king's bench at Westminster: whereas in truth and in fact the said G. F. at the time when he the said M. G. took his said oath, and made his affidavit in form aforesaid, was not indebted to him the said T. H. in the sum of ten pounds upon a judgment recovered by the said T. H. against the said George in his majesty's court of king's bench at Westminster; and whereas in truth and in fact the said G. F. was not then indebted to the said T. H. in the said sum of ten pounds on any account whatsoever: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said W. G. on the said twelfth day of October, in the thirteenth year of the reign of our said lord the now king, at the parish of Saint Andrew, Holborn, aforesaid, in the county of Middlesex aforesaid, before the said R. Barnes, so as aforesaid having sufficient power and authority to administer the said oath to the said W. G. falsely and maliciously, wilfully and corruptly, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our lord the king and his laws, to the great damage

(*a*) Should it not be here said, that the filazer made out the process for Middlesex by the custom of the court; therefore of right made it against the defendant.

of

of him the ſaid G. F. and againſt the peace of our ſaid lord the now king, his crown and dignity, &c.

J. MORGAN.

Indictment for perjury at the aſſizes on the trial of an aſſault.

SURRY, *ſſ.* The jurors for our ſovereign lord the now king upon their oath preſent, that on the day of March, in the ſixteenth year of the reign of our ſovereign lord George the Third, now king of Great Britain, and in and at Kingſton-upon-Thames, in the county of Surry, at the aſſizes in and for the ſaid county of Surry, taken before Sir Richard Aſton, knight, one of the juſtices of our lord the king aſſigned to hold the ſaid aſſizes in and for the county of Surry aforeſaid in the ſaid year, a certain iſſue, wherein one Jane Walker, widow, was plaintiff, and John Burch, Joſeph Barlow, Thomas Bartlett, John Preen, John Skeath, Abraham Ewings, and Samuel Brandon, were defendants in a certain plea, to wit, a plea of treſpaſs and aſſault came on to be tried and was tried, to wit, before the ſaid Sir Richard Aſton, ſo being ſuch juſtice of our ſaid lord the king aſſigned to hold the aſſizes in and for the county of Surry aforeſaid, to wit, at Kingſton-upon-Thames aforeſaid, in the court houſe there, according to the form of the ſtatute in ſuch caſe made and provided, by a jury of the country then and there ſworn and charged to try the aforeſaid iſſue; upon which ſaid trial one Anne Walker, late of , in the county of Surry aforeſaid, ſpinſter, on the ſaid day of March, in the ſixteenth year aforeſaid, in the ſaid court-houſe at Kingſton-upon-Thames aforeſaid, in the ſaid county of Surry, was produced before the ſaid Sir Richard Aſton, ſo being ſuch juſtice as aforeſaid, as a witneſs on the part and behalf of the ſaid Anne Walker, the plaintiff in the aforeſaid iſſue, and was then and there upon the ſaid trial, as a witneſs on the part and behalf of the ſaid Anne Walker, ſworn, and took her corporal oath upon the holy Goſpel of God, before the ſaid Sir Richard Aſton, that the evidence which ſhe the ſaid Anne Walker ſhould give to the court there, and the ſaid jury ſo ſworn as aforeſaid, touching the matter then in queſtion between the ſaid parties, ſhould be the truth, the whole truth, and nothing but the truth (the ſaid Sir Richard Aſton then and there having full power and authority to adminiſter the ſaid oath to the ſaid Anne Walker in that behalf): And the jurors aforeſaid, on their oath aforeſaid, do further preſent, that on and upon the ſaid trial of the aforeſaid iſſue, certain queſtions then and there aroſe to the tenor and purport following, that is to ſay, whether the ſaid Anne Walker ſaw the ſaid Samuel Brandon there that evening, or do any thing unto the plaintiff in the aforeſaid iſſue: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Anne Walker ſo being ſworn as aforeſaid, not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, and contriving and diabolically intending not only to elude, but alſo to ſubvert the laws and public juſtice of this realm, and unjuſtly to hurt, prejudice, and

injure the ſaid Samuel Brandon, one of the defendants in the aforeſaid iſſue, and wickedly to cauſe and procure a verdict to paſs againſt the ſaid Samuel Brandon in the ſaid iſſue joined as aforeſaid, and thereby to make the ſaid Samuel Brandon liable to the payment of a large ſum of money, and to avert truth itſelf, ſhe the ſaid Anne Walker then and there, to wit, on the ſaid day of March, in the ſixteenth year aforeſaid, at Kingſton-upon-Thames aforeſaid, in the ſaid county of Surry, at and upon the ſaid trial of the ſaid iſſue, by her own act and conſent, upon her aforeſaid oath, before the ſaid Sir Richard Aſton (the ſaid Sir Richard Aſton then and there having ſuch full power and authority to adminiſter the ſaid oath to the ſaid Anne Walker in that behalf as aforeſaid), falſely, maliciouſly, wilfully, and corruptly did depoſe, ſwear, and give evidence to the jurors of the aforeſaid jury then and there ſworn and charged to try the aforeſaid iſſue joined between the parties aforeſaid in the ſaid plea, among other things, that is to ſay, that ſhe the ſaid Anne Walker and Burch (meaning the ſaid John Burch, one of the defendants in the aforeſaid iſſue), and Brandon (meaning the ſaid Samuel Brandon, one other of the defendants in the aforeſaid iſſue), there (meaning in the ſaid ſtreet and highway called Kent-ſtreet, and meaning on the ſaid Monday evening the third day of January 1775, there meaning the ſaid houſe called or known by the name or ſign of the Cooper's Arms), that Burch and Brandon (meaning the ſaid John Burch and Samuel Brandon) had hold of her mother (meaning the ſaid Jane Walker), and dragged her (again meaning the ſaid Jane Walker) down to Pickering's door (meaning the door of a dwelling-houſe belonging to one Pickering, in the ſaid ſtreet or highway called Kent-ſtreet, in the pariſh of aforeſaid, in the county aforeſaid); and that ſome (meaning ſome of the defendants in the aforeſaid iſſue) had hold of her (meaning the ſaid Jane Walker) legs and arms, and being concerned in the aſſault made on the ſaid Jane Walker in queſtion in the iſſue aforeſaid: And the jurors aforeſaid, on their oath aforeſaid, do ſay, that the ſaid Anne Walker ſo having depoſed to the preſence of the ſaid Samuel Brandon on the , and at the place aforeſaid, the ſaid Anne Walker was then and there particularly aſked, if ſhe knew the ſaid Samuel Brandon, and if ſhe was ſure he was there; to which queſtion the ſaid Anne Walker then and there, on the trial aforeſaid, falſely, maliciouſly, wilfully, and corruptly, on her oath aforeſaid, anſwered, depoſed, and ſwore, that the ſaid Samuel Brandon (meaning the aforeſaid Samuel Brandon) was there; that ſhe was poſitive ſhe knew him (meaning the ſaid Samuel Brandon); and that he (meaning the ſaid Samuel Brandon) was a baker: whereas in truth and in fact the ſaid Samuel Brandon was not there in the ſaid ſtreet or highway called Kent-ſtreet at the time alledged and pretended by the ſaid Anne Walker; and whereas in truth and in fact the ſaid John Burch and Samuel Brandon had not, nor had either of them, hold of the ſaid Jane Walker, either by her arms or legs, nor did they or either of them drag the ſaid Jane Walker down to Pickering's door, or to any other

other place whatſoever; and whereas in truth and in fact the ſaid Samuel Brandon had not hold of the ſaid Jane Walker by her arms or legs, or by either of them; and whereas in truth and in fact the ſaid Samuel Brandon did not touch her the ſaid Jane Walker at the time and place alledged by the ſaid Anne Walker; and whereas in truth and in fact the ſaid Samuel Brandon did not drag the ſaid Jane Walker in any manner whatever; and whereas in truth and in fact the ſaid Anne Walker did not ſee the ſaid Samuel Brandon there, to wit, in the ſaid ſtreet or highway called Kent-ſtreet, at any time during the time of the aſſault alledged to have been made on the ſaid Jane Walker, concerning which the aforeſaid iſſue was tried: And ſo the ſaid now jurors for the ſaid now king, upon their oath aforeſaid, ſay, that the ſaid Anne Walker, on the day of March, in the ſixteenth year aforeſaid, in the ſaid court-houſe at Kingſton upon Thames aforeſaid, in the ſaid county of Surry, before the ſaid Sir Richard Aſton, then and there as aforeſaid having full power and authority to adminiſter the ſaid oath to the ſaid Anne Walker in that behalf, by, of, and through the ſaid Anne Walker her own act and conſent, in manner and form aforeſaid, upon her aforeſaid corporal oath, falſely, maliciouſly, wilfully, and corruptly committed wilful and corrupt perjury, to wit, at Kingſton upon Thames aforeſaid, to the great diſpleaſure of Almighty God, in contempt of the laws of the ſaid realm, to the wicked and evil example of all others in the like caſe offending, to the ſubverſion of public juſtice and good government of this kingdom, and againſt the peace of our ſaid lord the now king, his crown and dignity, &c.

Indictment for *perjury* on a trial of an indictment for *perjury*.

MIDDLESEX, *ſſ.* The jurors for our ſovereign lord the king upon their oath preſent, that heretofore, to wit, on Saturday the fourth day of December, A. D. 1773, a certain bill of indictment before then duly found againſt one J. G. for wilful and corrupt perjury; whereto the ſaid J. G. hath pleaded that he is not guilty of the premiſes in the ſaid indictment mentioned, and whereon the iſſue was duly joined between our ſovereign lord the king, and the ſaid J. G. duly came on to be tried, and was tried before W. lord M. then and ſtill being chief-juſtice of our ſovereign lord the now king, aſſigned to hold pleas before the king himſelf at Weſtminſter, in the ſaid county of M. in the great hall of pleas there called Weſtminſter-hall, according to the form of the ſtatute in ſuch caſe made and provided, by a jury of the county; then and there ſworn and charged to try the aforeſaid indictment, upon which ſaid trial one W. J. late of B. in the county of Stafford, yeoman, on the ſaid fourth day of December, A. D. 1773 aforeſaid, at Weſtminſter aforeſaid, was produced before the ſaid chief-juſtice as a witneſs on the part and behalf of the ſaid J. G. the defendant in the aforeſaid indictment, and was then and there upon the ſaid trial of the ſaid indictment

as a witness on the part of the said J. G. sworn and took his corporal oath upon the holy Gospel of God, before the said chief-justice, that the evidence which the said W. J. should give to the court then and there; and the said jury so then sworn as aforesaid touching the matter then in question between our said lord the king and the said J. G. should be the truth, the whole truth, and nothing but the truth; he the said chief justice then and there having full power and authority to administer an oath to the said W. J. in that behalf: And the jurors aforesaid, upon their oath aforesaid, further present, that on the said trial certain questions then and there arose to the tenor and purport following, to wit, whether a certain note in writing, commonly called a promissory note, made by one E. D. bearing date the twenty-second day of January, A. D. 1770, whereby the said E. D. promised to pay to the said J. G. or his order, two hundred and ten pounds, two months after date, for value received, just then lent by the said E. D. to the said J. G. to accommodate the said J. G.; or whether the said note just then given to the said J. G. for him to borrow of one A. S. the sum of money in the said note mentioned for the use of the said E. D; and also whether the said W. J. had ever passed by the surname of Price; and also whether W. J. had ever given a direction to the said E. D. for him to enquire for the said W. J. by the name of Price? And the jurors aforesaid, upon their oath aforesaid, further present, that the said W. J. being so sworn as aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and contriving and diabolically intending, not only to elude, but also to subvert the laws and public justice of this kingdom, and unjustly to cause the said J. G. to be acquitted of the perjury whereof he stood indicted by the said indictment, and to subvert truth itself, he the said W. J. then and there, to wit, on the said fourth day of December A. D. 1779 aforesaid, at Westminster aforesaid, in the said county of M. at the said trial of the said indictment, by his own act and consent, upon his said oath before the said chief justice (he the said chief justice then and there having such power and authority to administer the said oath to the said W. J. as aforesaid), falsely, wilfully, maliciously, and corruptly did so depose, swear, and give evidence, among other things, to the jurors of the aforesaid , then and there sworn and charged to try the said indictment; that the said W. J. saw the said E. D. and J. G. at Sam's coffee-house, near the Exchange (meaning the Royal Exchange in London), on the twenty-second day of January 1770; that the said J. G. told the said E. D. he (the said J. G.) had prevailed upon Mrs. S. (meaning the said Hannah S.) to discount the note (meaning the said promissory note), and he the said J. G. had brought the money with him; that the said J. G. pulled out some bank notes and money, that the said J. G. gave the said bank notes and money to the said E. D. and said there was two hundred and ten pounds; and that the said E. D. looked over the same, and said it was right

meaning that the ſaid bank notes together amounted to two hundred and ten pounds); that he the ſaid W. J. had never paſſed by the name of Price, and that he the ſaid W. J. had never given the ſaid E. D. a direction to enquire for him (the ſaid W. J.) by the name of Price; and the ſaid E. D. then and there, on the trial aforeſaid, depoſed, that the W. J. had given him the ſaid E. D. a direction to enquire for him (the ſaid W. J.) by the name of Price; the ſaid W. J. then and there on the ſaid fourth day of December, A. D. 1773 aforeſaid, at Weſtminſter aforeſaid, on the ſaid trial on his oath aforeſaid, depoſed, ſwore, and ſaid, that what the ſaid E. D. had ſo depoſed, as to his the ſaid W. J.'s having given him the ſaid E. D. a direction to enquire for him (the ſaid W. J.) by the name of Price, was falſe: whereas in truth and in fact the ſaid W. J. did not ſee the ſaid E. D. and J. G. at Sam's coffee-houſe on the twenty-ſecond day of January 1770; and that whereas in truth and in fact the ſaid J. G. did not tell the ſaid E. D. he had prevailed upon Mrs. S. to diſcount the note, and that the ſaid J. G. had brought the money with him; and that whereas in truth and in fact the ſaid J. G. did not tell out ſome bank notes and money, and give the ſaid bank notes and money to the ſaid E. D. and ſay there was two hundred and ten pounds, nor did the ſaid E. D. look over the ſame and ſay it was right; and that whereas in truth and in fact the ſaid W. J. had paſſed by the name of Price; and that whereas in truth and in fact the ſaid W. J. had, before the taking his oath aforeſaid, given the ſaid E. D. a direction to enquire for him the ſaid J. S. by the name of Price; and that whereas in truth and in fact what the ſaid E. D. had ſo depoſed, as to the ſaid W. J. having given the ſaid E. D. a direction to enquire for him by the name of Price, was not falſe, but was true: And ſo the ſaid now jurors for our ſaid lord the now king, upon their oath aforeſaid, ſay, that the ſaid W. J. on the ſaid fourth day of December A. D. 1773 aforeſaid, at Weſtminſter aforeſaid, in the ſaid county of M. before the ſaid chief juſtice (he the ſaid chief juſtice then and there as aforeſaid having full power and authority to adminiſter the ſaid oath to the ſaid W. J. in that behalf), by, of, and through the ſaid W. J.'s own act and conſent, in manner and form aforeſaid, upon his aforeſaid oath, falſely, maliciouſly, wilfully, and corruptly did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, in contempt of the laws of this realm, to the wicked and evil example of all others in the like caſe offending, to the ſubverſion of the public juſtice and good government of this kingdom, and againſt the peace of our ſovereign lord the now king, his crown and dignity,

Indictment for perjury on an affidavit in writing, ſworn before a commiſſioner, in a cauſe depending in C. B. in which the party indicted was plaintiff.

OXFORDSHIRE, to wit. The jurors aforeſaid, &c. that on the eighth day of May, in the fourteenth year of the reign

of George the third, by the grace of God of Great Britain, &c. a certain ſuit was depending in the court of our ſaid lord the king before Sir W. D'Grey and his companions, then his majeſty's juſtices of the bench at Weſtminſter, between A. B. plaintiff and C. D. defendant; and the ſaid A. B. contriving and intending to aggrieve and injure the ſaid C. D. on the ſaid eighth day of May, in the fourteenth year aforeſaid, at New Woodſtock, in the county of Oxford, did come in his own proper perſon before John North, gentleman, then and there being a commiſſioner duly authorized and empowered to take affidavits in the court aforeſaid, and did then and there make and exhibit to the ſaid J. N. a certain affidavit in writing of him the ſaid A. B. in the ſaid ſuit between the ſaid A. B. and the ſaid C. D. being then depending in the ſaid court of our ſaid lord the king, before his majeſty's ſaid juſtices of the bench at Weſtminſter aforeſaid, and then and there as aforeſaid, in the ſaid county of Oxford, before the ſaid J. N. was duly ſworn and took his corporal oath upon the holy Goſpel of God concerning the truth of the matters contained in the ſaid affidavit (the ſaid J. N. then and there having a lawful and competent authority to adminiſter the ſame oath to the ſaid A. B. and to take and receive the aforeſaid affidavit); and then and there the ſaid A. B. not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, and having no regard to the laws and ſtatutes of this realm, nor fearing the puniſhment therein contained, did before the ſaid J. N. having a competent authority to adminiſter an oath to the ſaid A. B. in that behalf, falſely, and voluntarily, and corruptly upon his ſaid oath depoſe and ſwear in writing as follows, viz. In the common pleas, A. B. plaintiff and C. D. defendant. A. B. of &c. (ſetting out the whole of the affidavit) as by the ſaid oath of the A. B. in writing, remaining of record in the ſaid court of our ſaid lord the king of the bench at Weſtminſter aforeſaid, it more fully appears in truth and in fact, &c. (denying every part of the affidavit on which defendant is indicted,) and ſo the jurors aforeſaid, upon their oath aforeſaid, ſay, &c. (as above.)

Indictment for perjury on an affidavit before a maſter extraordinary in chancery, by a bankrupt, in order to ſuperſede his commiſſion.

WARWICKSHIRE, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that heretofore, to wit, on the eighth day of November, in the twenty-ninth year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. a certain commiſſion of bankruptcy under the great ſeal of Great Britain, bearing date at Weſtminſter the ſame day and year aforeſaid, founded on the ſeveral ſtatutes made and then in force concerning bankrupts, was duly awarded and iſſued againſt John Corden, and directed to certain commiſſioners therein named; and the ſaid John Corden was thereupon duly found and declared to be a bankrupt: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that after the awarding and

iſſuing of the ſaid commiſſion, to wit, on the day of December, in the twenty-ninth year aforeſaid, a certain petition was preſented to the right honourable the lord high chancellor of Great Britain, by and on the behalf of the ſaid John Corden, ſetting forth and ſhewing that a commiſſion of bankrupt had been awarded and iſſued againſt the ſaid John Corden, dated the eighth day of November 1788; and that the ſaid John Corden had been thereupon found and declared to be a bankrupt; that notwithſtanding the ſaid commiſſion had iſſued, and the ſaid John Corden had been found a bankrupt under the ſame, yet the ſaid John Corden in fact had never committed any act of bankruptcy; and that the act of bankruptcy alledged to have been committed by the ſaid John Corden, in abſconding from his dwelling-houſe at Birmingham, in the county of Warwick, ſome time in the month of November then laſt paſt, or keeping out of the way in order to avoid payment to his creditors, ſome or one of them, as the ſaid John Corden had heard and believed; that at or about the time aforeſaid, the ſaid John Corden had been abſent from his ſaid dwelling-houſe a few days, having taken a journey to Dudley, in the county of Stafford, and to divers other places about his neceſſary affairs and concerns, and which journey had been taken by the ſaid John Corden merely and only on his neceſſary and ordinary affairs and concerns, and not to avoid payment of any of his creditors; neither had been any creditor of the ſaid John Corden, to the knowledge, information, or belief of the ſaid John Corden, delayed the payment of his or her debt or demand upon the ſaid John Corden by reaſon of any ſuch abſence of the ſaid J. C. that the ſaid commiſſion iſſued at the inſtance of R. S. and L. S. who were the petitioning creditors for the ſame, but to whom the ſaid John Corden was not indebted in the ſum of one hundred pounds, or nearly that ſum, at the time of their petitioning for and the iſſuing of the ſaid commiſſion; that W. P. of Birmingham, in the county of Warwick, button-maker, had been choſen the ſole aſſignee of the ſaid John Corden's eſtate and effects, to whom the ſame had been aſſigned, or by whom the ſame had been poſſeſſed: And the ſaid John Corden therefore humbly prayed the ſaid lord high chancellor that the ſaid commiſſion of bankruptcy might be ſuperſeded, as having been improperly founded againſt the ſaid J. C. and that the ſaid J. C.'s eſtate and effects might be reſtored to him by the aſſignee under ſuch commiſſion: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid John Corden contriving, and wickedly and maliciouſly intending to injure and aggrieve the ſaid R. S. and L. S. the petitioning creditors for the ſaid commiſſion, and to put them to great charge and expence of their monies, and to cauſe the ſaid commiſſion of bankruptcy to be ſuperſeded, heretofore, to wit, on the fifth day of December, in the twenty-ninth year aforeſaid, at, &c. aforeſaid, did come in his the ſaid J. C.'s proper perſon before A. M. eſquire, then and ſtill being one of he maſters extraordinary of his majeſty's high court of chancery,

and did then and there produce and exhibit to and before the ſaid A. M. ſo being ſuch maſter as aforeſaid, a certain affidavit in writing of him the ſaid J. C. in ſupport of the ſaid petition; and then and there before the ſaid A. M. ſo being ſuch maſter as aforeſaid, was duly ſworn and took his corporal oath upon the holy Goſpel of God concerning the truth of the matters contained in the ſaid affidavit (the ſaid A. M. then and there having a lawful and competent authority to adminiſter the ſaid oath to the ſaid J. C. and to take and receive the ſaid affidavit of the ſaid J. C.): And that the ſaid J. C. being ſo ſworn as aforeſaid, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, and having no regard to the laws and ſtatutes of this realm, nor fearing the puniſhment therein contained, did then and there, to wit, on the fifth day of December, in the twenty-ninth year aforeſaid, at, &c. aforeſaid, in and by his affidavit aforeſaid, upon his oath aforeſaid, before the ſaid A. M. ſo being, &c. (the ſaid A. M. having a lawful and competent authority to adminiſter the ſaid oath to the ſaid J. C. and to take and receive his ſaid affidavit), falſely, corruptly, knowingly, wilfully, and maliciouſly, depoſe and ſwear as follows, that is to ſay: In chancery (meaning the ſaid court of chancery), in the matter of John Corden a bankrupt (meaning the ſaid J. C.), John Corden, of Birmingham, in the county of Warwick, taylor (meaning the ſaid J. C.), maketh oath and ſaith, that a commiſſion of bankruptcy was awarded and iſſued againſt him this deponent (meaning the ſaid J. C.) dated the eighth day of November, in the twenty-ninth year aforeſaid, as appears to him this deponent (meaning the ſaid J. C.) by a ſummons with which he this deponent (meaning the ſaid J. C.) hath been ſerved to attend the ſaid commiſſioners in the ſaid commiſſion authoriſed; and as he this deponent (meaning the ſaid J. C.) verily believes: And that he the deponent (meaning the ſaid J. C.) was thereupon found and declared to be a bankrupt; and that notwithſtanding the ſaid commiſſion hath iſſued, and he this deponent (meaning the ſaid J. C.) hath been found a bankrupt under the ſame, that he this deponent (meaning the ſaid J. C.) in fact never committed any act of bankruptcy; and that the act of bankruptcy alledged to have been committed by him this deponent (meaning, &c.) is an abſconding from his (meaning the ſaid J. C.'s) dwelling-houſe at Birmingham, in the county of Warwick, ſome time in the month of November now laſt paſt (meaning the month of November in the twenty-ninth year aforeſaid), or keeping out of the way in order to avoid payment of his (meaning the ſaid J. C.'s) creditors, ſome or one of them, as he this deponent (meaning, &c.) believes; and that at or about the time aforeſaid (meaning the ſaid month of November in the twenty-ninth year aforeſaid), he this deponent (meaning, &c.) was abſent from his (meaning the ſaid J. C.'s) dwelling-houſe for a few days, having taken a journey to Dudley, in the county of Stafford, about twelve miles from Birmingham aforeſaid, and to

divers

divers other places, about his (meaning, &c.) neceſſary affairs and concerns, and not to avoid payment of any of his (meaning the ſaid J. C.'s) creditors; neither hath any creditor of him this deponent (meaning, &c.), to this deponent's (meaning, &c.) knowledge, information, or belief, been delayed the payment of his or her debt or demand upon him this deponent (meaning, &c.) by reaſon of any ſuch abſence of him this deponent (meaning, &c.); and that the ſaid commiſſion iſſued at the inſtance of R. S. and L. S. who were the petitioning creditors for the ſame, but to whom he this deponent (meaning, &c.) was not indebted in the ſum of one hundred pounds; and that W. P. as this deponent (meaning, &c.) hath heard and believes, was choſen ſole aſſignee of this deponent's (meaning the ſaid J. C.'s) eſtate and effects, as by the ſaid affidavit, remaining in the ſaid court of chancery at Weſtminſter, more fully appears: Whereas in truth and in fact the ſaid J. C. before the awarding and iſſuing of the ſaid commiſſion of bankruptcy, had committed an act of bankruptcy; and whereas in truth and in fact the ſaid J. C. at the time of making affidavit as aforeſaid, well knew that he had committed an act of bankruptcy; and whereas in truth and in fact the ſaid J. C. at the time of awarding and iſſuing the ſaid commiſſion, was indebted to the ſaid R. S. and L. S. who were the petitioning creditors for the ſame, in the ſum of one hundred pounds and upwards: And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay that the ſaid J. C. on the ſaid fifth day of December, in the twenty-ninth year aforeſaid, at Birmingham aforeſaid, in the county aforeſaid, upon his oath aforeſaid, before the ſaid A. M. ſo being ſuch maſter, and having ſuch authority as aforeſaid, by his own act and conſent, and of his own moſt wicked and corrupt mind, falſely, wickedly, maliciouſly, wilfully, and corruptly, in manner and form aforeſaid, did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, in contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Drawn by MR. TIDD.

Indictment for perjury in an affidavit before a judge at chambers, to obtain a rule to ſet aſide a judgment writ of execution, and to be diſcharged out of cuſtody.

LONDON, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that before the making of the affidavit hereafter mentioned, to wit, in Michaelmas term, in the twenty-ninth year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. a certain judgment had been and was ſigned in the court of our ſaid lord the now king, before the king himſelf (the ſaid court then and ſtill being holden at Weſtminſter, in the county of Middleſex), in a certain cauſe, wherein Thomas Cowan was plaintiff, and William Doyle was defendant, whereby it was conſidered, that the ſaid Thomas Cowan did recover againſt the ſaid William Doyle as well a certain

tain debt of two thousand and forty pounds, as also eighty-three shillings, which in and by the said court were adjudged to the said Thomas Cowan for his damages which he had sustained, as well by reason of the detaining the said debt, as for his costs and charges by him about his suit in that behalf expended, whereof the said William Doyle was convicted, as by the record and proceedings thereof still remaining in the said court of our said lord the king, before the king himself at Westminster aforesaid, more fully appears; and which said judgment had been, and was so signed upon, and by virtue of a certain bond and warrant of attorney before then made, and given by the said William Doyle to the said Thomas Cowan; and that after the signing of such judgment, and before the making of the affidavit hereafter mentioned, the said William Doyle had been, and was taken and arrested by the sheriff of the county of Middlesex, under and by virtue of a certain writ of our said lord the king, commonly called *a capias ad satisfaciendum*, before then issued out of the said court of our said lord the king, before the king himself at Westminster aforesaid, upon the said judgment directed to the said sheriff, and returnable in the same court on Friday next, after eight days of St. Hilary, in Hilary term now last past, to wit, at London aforesaid, in the parish of Saint Dunstan in the West, in the ward of Farringdon Without: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Doyle, late of London aforesaid, esquire, contriving, and wickedly and maliciously intending to aggrieve and injure the said Thomas Cowan, and to deprive him of the means of recovering the debt and damages aforesaid, heretofore, to wit, on the twenty-third day of January, in the twenty-ninth year of the reign of our said lord the now king at London aforesaid, in the parish and ward aforesaid, in order to obtain a rule of the said court of our said lord the king, before the king himself, whereby he might be ordered by the said court, that the said Thomas Cowan should shew cause why the judgment signed in the said cause, and the writ of *capias satisfaciendum* issued and executed thereon by the sheriff of the county of Middlesex as aforesaid, should not be set aside; and why the said William Doyle should not be discharged out of the custody of the marshal of the Marshalsea of the said court of our said lord the king, before the king himself, as to action aforesaid, did come in his the said William Doyle's proper person, before Sir Nash Grose, knight, then being one of the justices of the said court of our said lord the king, before the king himself, and did then and there produce to and before the said Sir Nash Grose, *so being such justice as aforesaid, a certain affidavit in writing of him the said William Doyle, and the said William Doyle then and there before the said Sir Nash Grose, so being such justice as aforesaid, was duly sworn, and did take his corporal oath, upon the holy Gospel of God, concerning the truth of the matters contained in the said affidavit (he the said Sir Nash Grose then and there having sufficient and competent power and authority to administer the same oath*

to

to the ſaid William Doyle, and to take and receive the ſaid affidavit of him the ſaid William Doyle): And that the ſaid William Doyle being ſo ſworn as aforeſaid, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, and having no regard to the laws and ſtatutes of this realm, nor fearing the puniſhment therein contained, did then and there, to wit, on the ſaid twenty-third day of January, in the twenty-ninth year aforeſaid, at, &c. aforeſaid, and by his ſaid affidavit aforeſaid, upon his oath aforeſaid, before the ſaid Sir Naſh Groſe, ſo being ſuch juſtice, and having ſuch power and authority as aforeſaid, maliciouſly depoſe and ſwear, amongſt other things, as follows, that is to ſay, and this deponent (meaning the ſaid William Doyle) ſaith, that the ſaid plaintiff (meaning the ſaid T. C.) in or about the year 1784, according to the beſt of this deponent's (meaning the ſaid W. D.) now recollection and belief, as to the time pretending to this deponent (meaning the ſaid W. D.), that he this deponent (meaning the ſaid W. D.), was indebted to him (meaning the ſaid T. C.) in a conſiderable ſum of money upon the balance of accounts between them (meaning the ſaid W. D. and the ſaid T. C.), and the ſaid plaintiff (meaning the ſaid T. C.) then requeſted this deponent (meaning the ſaid W. D.) to give him (meaning the ſaid T. C.) a bond, with a warrant of attorney for confeſſing a judgment or judgments thereon, in order to ſecure to the ſaid plaintiff (meaning the ſaid T. C.) whatever might be coming from this deponent (meaning the ſaid W. D.) to him (meaning the ſaid T. C.) upon the balance of ſuch account when the ſame ſhould be finally ſettled: And this deponent (meaning the ſaid W. D.) at that time relying on the honour and integrity of the ſaid plaintiff (meaning the ſaid T. C.) was prevailed upon, and did execute to him (meaning the ſaid T. C.) ſuch bond and warrant of attorney accordingly, but for what amount in particular this defendant (meaning the ſaid W. D.) does not now recollect; and this deponent (meaning the ſaid W. D.) further ſaith, that ſome time after this deponent (meaning the ſaid W. D.) had executed the ſaid bond and warrant of attorney, and before the accounts for which the ſaid ſecurities were given, had been in any manner ſettled between the ſaid plaintiff (meaning the ſaid T. C.) and this deponent (meaning the ſaid W. D.), he the ſaid plaintiff (meaning the ſaid T. C.) cauſed judgment to be entered upon the bond and warrant of attorney, in one of his majeſty's courts of record in Ireland, and was actually proceeding to enforce the payment for which the ſame was given, notwithſtanding ſuch bond and warrant of attorney were given to the ſaid plaintiff (meaning the ſaid T. C.) merely as a ſecurity to guarantee him (meaning the ſaid T. C.) for any ſum of money that ſhould appear to be due from this deponent (meaning the ſaid W. D.) to him (meaning the ſaid T. C.) on a juſt and fair ſettlement of accounts between them (meaning the ſaid W. D. and T. C.): And this deponent (meaning the ſaid W. D.) ſaith, that a variety of dealings and tranſactions having

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ing taken place between the plaintiff (meaning the ſaid T. C.) and this deponent (meaning the ſaid W. D.) in conſequence of ſuch appointment as aforeſaid (meaning a certain appointment before alluded to in the ſaid affidavit), and a long and voluminous account remaining unſettled between them (meaning the ſaid T. C. and the ſaid W. D.), he this deponent (meaning the ſaid W. D.) was deſirous to have the ſame ſettled and adjuſted, and therefore frequently applied to the ſaid plaintiff (meaning the ſaid T. C.) for that purpoſe, but the ſaid plaintiff (meaning the ſaid T. C.) always declined coming to any ſettlement with this deponent (meaning the ſaid W. D.); and this deponent (meaning the ſaid W. D.) ſaith, that the ſaid plaintiff (meaning the ſaid T. C.) having in his (meaning the ſaid T. C's.) poſſeſſion this deponent's (meaning the ſaid W. D's.) papers, vouchers, and other things neceſſary to have on the ſettling of the ſaid account, and having alſo ſeveral bonds or ſecurities of this deponent (meaning the ſaid W. D's.), and this deponent (meaning the ſaid W. D.) finding the ſaid plaintiff (meaning the ſaid T. C.) declined all manner of ſettlement with this deponent (meaning the ſaid W. D.), and refuſing to give this deponent (meaning the ſaid W. D.) a copy of his (meaning the ſaid T. C's.) account reſpecting the matters aforeſaid, he this deponent (meaning the ſaid W. D.) in order to obtain a copy and ſettlement of ſuch accounts, in or about the month of October laſt (meaning the month of October A. D. 1788), according to the beſt of this deponent's (meaning the ſaid W. D's.) now recollection and belief as to the time, filed his bill of complaint in his majeſty's high court of chancery in Ireland againſt the ſaid plaintiff (meaning the ſaid T. C.) reſpecting the ſeveral ſuppoſed demands made by the plaintiff (meaning the ſaid T. C.) on this deponent (meaning the ſaid W. D.), and particularly the ſaid bond, and the judgment obtained thereon in Ireland, and praying an account of all dealings and tranſactions between them (meaning the ſaid W. D. and the ſaid T. C.), and alſo praying for an injunction to prevent the plaintiff's (meaning the ſaid T. C's.) proceeding at law againſt this deponent (meaning the ſaid W. D.) till ſuch time as the ſaid accounts could be taken and ſettled; And this deponent (meaning the ſaid W. D.) ſaith, that the ſaid plaintiff (meaning the ſaid T. C.) put in a very voluminous anſwer to the ſaid deponent's (meaning the the ſaid W. D's.) ſaid bill, but omitted anſwering ſeveral of the material parts therein charged by this deponent (meaning the ſaid W. D.): And this deponent (meaning the ſaid W. D.) having taken exceptions to the ſaid anſwer, the ſame came on to be argued before one of the maſters of the ſaid court (meaning the ſaid court of chancery in Ireland), who reported the ſaid anſwer evaſive and inſufficient: And this deponent (meaning the ſaid W. D.) ſaith, that on ſuch report the ſaid lord chancellor of Ireland granted an injunction againſt the ſaid plaintiff's (meaning the ſaid T. C's.) proceeding at law againſt this deponent (meaning the ſaid W. D.) according to

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the prayer of this deponent's (meaning the ſaid W. D's.) ſaid bill: And this deponent (meaning the ſaid W. D.) ſaith, he (again meaning the ſaid W. D.) verily believes, that upon a fair ſtatement of accounts between the ſaid plaintiff (meaning the ſaid T. C.) and this deponent (meaning the ſaid W. D.), there is a very inconſiderable ſum, if any thing, due from this deponent (meaning the ſaid W. D.) to the ſaid plaintiff (meaning the ſaid T. C.) as by the ſaid affidavit in writing of the ſaid W. D. afterwards exhibited to the ſaid court of our lord the king, before the king himſelf, for the purpoſe aforeſaid, and now there remaining more fully appears: Whereas in truth and in fact the ſaid T. C. did not requeſt the ſaid W. D. to give him a bond with a warrant of attorney for confeſſing a judgment or judgments thereon, in order to recover to the ſaid T. C. whatever might becoming from the ſaid W. D. to him the ſaid T. C. upon the balance of accounts when the ſame ſhould be finally ſettled; nor did the ſaid W. D. execute to him the ſaid T. C. ſuch bond and warrant of attorney accordingly; and whereas in truth and in fact the ſaid W. D. on the ſeventeenth day of Auguſt, A. D. 1784, at London aforeſaid, in the pariſh and ward aforeſaid, made and executed to the ſaid T.C. a certain bond in the penal ſum of two thouſand and forty pounds, conditioned for the payment of the ſum of one thouſand and twenty pounds, with lawful intereſt to the ſaid T. C. on the firſt day of September then next, and alſo a certain warrant of attorney for confeſſing judgment on the ſaid bond (being the bond and warrant of attorney alluded to in the ſaid affidavit of the ſaid W. D.), in order to ſecure the payment of the ſaid ſum of one thouſand and twenty pounds and intereſt at the time aforeſaid, due and owing from the ſaid W. D. to the ſaid T. C. and not merely as a ſecurity to guarantee him the ſaid T. C. for any ſum of money that ſhould appear to be due from the ſaid W. D. to the ſaid T. C. on a juſt and fair ſettlement of accounts between them; and whereas in truth and in fact the ſaid T. C. did not at any time decline coming to any ſettlement with the ſaid W. D. but on the contrary thereof a ſettlement of accounts took place, and was had between the ſaid T. C. and the ſaid W. D. as well before as after the giving of the ſaid bond and warrant before the ſaid month of October 1788; [and whereas in truth and in fact the ſaid T. C. did not at any time cauſe judgment to be entered on the ſaid bond and warrant of attorney, in one or any of his majeſty's courts of record in Ireland; and whereas in truth and in fact the ſaid W. D. did not file his ſaid bill of complaint in his majeſty's high court of chancery in Ireland, againſt the ſaid T. C. particularly, or in any wiſe reſpecting the ſaid bond, or any judgment *obtained or ſuppoſed to be obtained thereon in Ireland aforeſaid*;] and whereas in truth and in fact the ſaid T. C. did not omit anſwering ſeveral or any material parts charged in the ſaid bill by the ſaid W. D. "AND WHEREAS IN TRUTH AND IN FACT ONE," or any of the maſters of the ſaid laſt-mentioned court, did not report the anſwer of him the ſaid T. C. to the ſaid bill

bill evasive and insufficient; and whereas in truth and in fact the said lord chancellor of Ireland did not grant an injunction on such report against the said T. C's. proceeding at law against the said W. D. according to the prayer of the said bill; and so the jurors aforesaid, upon their oath aforesaid, do say that the said W. D. on the said twenty-third day of January, in the twenty-ninth year aforesaid, at London aforesaid, in the parish and ward aforesaid, before the said Sir Nash Grose, so being such justice, and having such power and authority as aforesaid, by his own act and consent, and of his own most wicked and corrupt mind, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. D. in order to obtain a rule of the said court of our said lord the king, and before the king himself at Westminster aforesaid, whereby it might be ordered that the said Thomas Cowan should shew cause why a certain judgment before then obtained in a certain action in the same court by the said Thomas Cowan against the said W. D. and a certain writ of *capias ad satisfaciendum* issued and executed thereon by the sheriff of the county of Middlesex, should not be set aside, and why the said W. D. should not be discharged out of the custody of the marshal of the Marshalsea of the same court, as to the said action on the twenty-third day of January, in the twenty-ninth year of the reign of our said lord the now king, at London aforesaid, in the parish and ward aforesaid, came in his own proper person before Sir Nash Grose, knight, then being one of the justices of the said court of our said lord the king, before the king himself, at Westminster aforesaid, and did then and there produce (here insert all that is in Italic in the first Count, as far as the word "things", inclusive) in substance and effect as follows, that the said T. C. had caused a certain judgment to be entered on a certain bond and warrant of attorney, before then given and executed by the said W. D. to the said T. C. in one of his majesty's courts of record in Ireland, and was actually proceeding to enforce the payment of the money for which the same was given, notwithstanding such bond and warrant of attorney were given to the said T. C. merely as a security to guarantee him for any sum of money that should appear to be due from the said W. D. to the said T. C. on a just and fair settlement of accounts between them the said W. D. and T. C. and that the said W. D. had filed a bill in his majesty's high court of chancery in Ireland, respecting several supposed demands made by the said W. D. to the said T. C. and particularly the said bond and judgment obtained thereon in Ireland, and praying for an injunction to prevent the said T. C's. proceeding at law against the said W. D. until such time as the said account should be taken and settled; and that one of the masters of the court of chancery in

2d Count more general.

in Ireland had reported to the lord high chancellor of Ireland the answer put in by the said T. C. to be evasive and insufficient; and that on such report the said lord chancellor quashed an injunction against the said T. C.'s proceeding at law, according to the prayer of the said bill: And the jurors aforesaid, upon their oath aforesaid, do further present, that the several matters and things so deposed to try the said W. D. were material, in order to induce the said court of our said lord the king, at Westminster aforesaid, to grant the said rule: whereas in truth and in fact the said T. C. did not, at any time, cause judgment to be entered on such bond, &c. (here insert all that is within the crochets, and from the place where it is in italics to the end of the first Count.)

F. BOWER.

Indictment against an attorney for perjury in an affidavit in answer to interrogatories.

MIDDLESEX, to wit. The jurors for our sovereign lord the king upon their oath present, that heretofore, that is to say, in Easter term, in the thirty-sixth year of the reign of our sovereign lord George the Third, king of Great Britain, and so forth, Thomas Stokes, of Monmouth, gentleman, *made a certain application to the court* of our lord the NOW king, before the king himself, against *William Clarke, late of Worksop, in the county of Nottingham, gentleman, one George Crossley*, and *one Thomas Briarly*, he the said William Clarke before and at the time of making the said application being one of the attornies of *the said court* of our lord *the new king*, before the king himself, at Westminster, in the county of Middlesex: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on Friday next after one month from Easter day, in the thirty-sixth year of king George the Third, the said Thomas Stokes, upon the affidavit of himself and the affidavit of Wing Ashfield, and John Stockdale, and a certain paper-writing thereto annexed being read by *the said court* of our said lord *the now king*, before the king himself, obtained a rule of the said court of *our* SAID *lord* the king, before the king himself, AGAINST THE SAID WILLIAM Clarke, George Crossley, and Thomas Briarly, whereby it was ordered, that the said *William Clarke*, George Crossley, and Thomas Briarly, upon notice of that rule, to be severally given to them, should upon Friday on the morrow of the Ascension of Our Lord, answer the matters contained in the said affidavits, and attend the said court in person at the time of answering as aforesaid, *to wit, at Westminster, in the said county of Middlesex*: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on Saturday next after the morrow of the Ascension of Our Lord, in the thirty-sixth year aforesaid, a certain other rule was made by the said court of our said lord the *now* king, before the king himself, whereby it was, amongst other things, ordered, that the third day of the then next term should be further peremptorily given to the said *William Clarke*, George Crossley, and Thomas Briarly, to answer the matters contained in the affidavit in the said rule made, on Friday next after one month from Easter day, in the thirty-

thirty-ſixth year aforeſaid mentioned, and attend the ſaid court in perſon, to wit, at Weſtminſter, in the county of Middleſex: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid affidavit of the ſaid Thomas Stokes contained, amongſt other things, the matters following, that is to ſay: Thomas Stokes, of Monmouth, gentleman, maketh oath, that by virtue of a certain warrant under the hand and ſeal of William Barrow, eſquire, one of his majeſty's juſtices of the peace in and for the city of Hereford, bearing date the firſt day of October 1795, and of a certain *legal* indorſement thereon *duly* made by one of his majeſty's juſtices of the peace in and for the county of Middleſex, he this deponent (meaning himſelf the ſaid Thomas Stokes) did, on the ſeventh day of the ſaid month of October, make ſearch in the dwelling-houſe of George Croſsley (*meaning the ſaid* GEORGE CROSSLEY), then of the Adelphi, in the county of Middleſex aforeſaid, one of the attornies of this honourable court (meaning the ſaid court of our lord the *now* king, before the king himſelf), for certain papers, letters, bonds, and writings ſuſpected to be in the dwelling-houſe of the ſaid George Croſsley, and relating to or concerning the forgery of the will of Henry Lewis, then or late of Hygga, in the county of Monmouth, clerk, deceaſed; and that this deponent (again meaning himſelf the ſaid Thomas Stokes) did find in a drawer of a deſk in the dwelling-houſe of the ſaid George Croſsley (and which drawer was opened with a key kept by the ſaid George Croſsley) a ſheet of paper having a treble ſixpenny ſtamp thereon fixed on the left ſide, and at the top thereof, and which was the uſual ſtamp for ingroſſing or writing affidavits on till the laſt additional duty thereon impoſed in or about the month of Auguſt laſt; and that ſuch ſheet of ſtamped paper has the name "W. Clarke" thereon wrote, at the left ſide of the ſaid paper, and the name and words "Thomas Briarly, a maſter extraordinary in chancery," thereon alſo wrote at the right ſide of the ſaid paper, and none other writing thereon; and which ſaid ſheet of paper is in the ſame ſtate as when found by this deponent (meaning himſelf the ſaid Thomas Stokes), in the cuſtody of the ſaid George Croſsley (except as to the initials T. M. thereon put by one of the officers of Bow-ſtreet), and the ſame now remains in this deponent's (meaning his the ſaid Thomas Stokes's) cuſtody, ready to be produced to this honourable court (meaning the ſaid court of *our ſaid lord* THE KING, *before the king* himſelf); that the ſaid G. Croſsley remonſtrated with this deponent (again meaning himſelf the ſaid Thomas Stokes) about this ſheet of paper, ſaying, that the ſame could not anyways concern the object of this deponent's (meaning the ſaid Thomas Stokes's) ſearch, or uſed words to that or the like purport and effect; that the ſaid George Croſſley earneſtly entreated this deponent (meaning the ſaid Thomas Stokes) to give up ſuch paper, ſaying, he well knew the ruin of Clarke and Briarly would follow; but which this deponent (meaning himſelf the ſaid Thomas Stokes) would not, as he (again meaning himſelf the ſaid Thomas Stokes) preſumed in duty he

he (again meaning himself the said Thomas Stokes) could not consent to; and that the said George Crossley told this deponent (again meaning the said Thomas Stokes), the name W. Clarke to such paper was the hand-writing of William Clarke, of Worksop, attorney, but did not say who Thomas Briarly was; and this deponent (again meaning himself the said Thomas Stokes) further saith, that he (meaning himself the said Thomas Stokes) also found in the dwelling-house of the said *George Crossley* the letters, copies of which *here (meaning in his said affidavit) follow*, and which letters are in the custody of this deponent (again meaning himself the said Thomas Stokes) ready to be produced to this honourable court (meaning the said court of *our said lord* THE *king*, before the king himself): And the jurors aforesaid, upon their oath aforesaid, further say, *that the said paper-writing in the said rule made, on Friday next after one month from Easter Day*, in the thirty-sixth year aforesaid mentioned, *is the said sheet* of paper having a treble sixpenny stamp thereon fixed on the left side and at the top thereof, and the name "W. Clarke" thereon wrote at the left side of the said paper, and the name and words "Thomas Briarly, a master "extraordinary in chancery," therein also wrote at the right side of the said paper in the said affidavit of the said Thomas Stokes mentioned, to wit, at Westminster, in the said county of Middlesex; and that afterwards, to wit, on the thirtieth day of May, in the thirty-sixth year aforesaid, in the said court of our said lord *the now* king, before the king himself, at Westminster, in the county of Middlesex, *the same was produced and shewn to the said William Clarke*: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Clarke, contriving and intending to stop the course of public justice, on the thirty-first day of May, in the thirty-sixth year aforesaid, did come in his own proper person into the court of our said lord THE KING before the king himself, the said court then being at Westminster, in the county of Middlesex, and did then and there produce to the said court a certain affidavit in writing of him the said William Clarke, to be exhibited to the said court for the purpose of discharging the said rules, and then and there, before the said court, was duly sworn, and took his corporal oath upon the holy Gospel of God, that the contents of the said affidavit of him the said William Clarke were true (the said court then and there having *a lawful and competent* authority to administer the said oath to the said William Clarke, and to take and receive the said affidavit of the said William Clarke); and that the said William Clarke being so sworn as aforesaid, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and having no regard to the laws and statutes of this realm, nor fearing the pains and penalties therein contained, did then and there, to wit, *on the said thirty first day of May, in the thirty-sixth* year aforesaid, at Westminster aforesaid, in the said county of Middlesex, in and by his affidavit aforesaid, upon his oath aforesaid, before the said

court (the ſaid court then and there having a *lawful* authority to adminiſter the ſaid oath to the ſaid William Clarke, and to receive his ſaid affidavit), *falſely*, corruptly, knowingly, wilfully, and wickedly depoſe and ſwear, amongſt other things, as follows, that is to ſay, that upon the attendance of this deponent (meaning himſelf the ſaid William Clarke) in this honourable court (meaning the ſaid court of our ſaid *lord the king, before the king himſelf)*, on the thirtieth day of May inſtant (meaning the thirtieth day of May, in the thirty-ſixth year aforeſaid), in obedience *to the rule* in this matter (meaning the ſaid rule made on Saturday next after the morrow of the Aſcenſion of Our Lord, in the thirty-ſixth year aforeſaid), a ſheet of ſtamped paper, as ſet forth in the affidavit of Mr. Thomas Stokes mentioned in the ſaid rule (meaning the ſaid affidavit of the ſaid Thomas Stokes above-mentioned) was produced and ſhewn to this deponent (meaning himſelf the ſaid William Clarke) having the name and words "Thomas Briarly, a *maſter* "extraordinary in chancery," and alſo the name or letters "W. "Clarke" ſet and ſubſcribed thereon (meaning on the ſaid paper); and poſitively ſaith, that W. Clarke ſet and ſubſcribed upon the ſaid ſheet of ſtamped paper, and ſo produced and ſhown to this deponent (meaning himſelf the ſaid W. Clarke) as aforeſaid, is not the hand-writing of this deponent (meaning of himſelf the ſaid William Clarke): whereas in truth and in fact the name and letters "W. Clarke" ſet and ſubſcribed upon the ſaid ſheet of ſtamped paper are the hand-writing of the ſaid William Clarke, to wit, at Weſtminſter, in the ſaid county of Middleſex: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid William Clarke, upon his oath aforeſaid, in and by his affidavit aforeſaid, did falſely, corruptly, knowingly, wilfully, and wickedly, further depoſe and ſwear as follows, that is to ſay, and this deponent (again meaning himſelf the ſaid William Clarke) further ſaith, that in or about the year 1787, according to the beſt of deponent's recollection (meaning his the ſaid William Clarke's recollection) as to time, this deponent (again meaning himſelf the ſaid William Clarke) was requeſted by *Mr. William Clarke*, of Leiceſter, his late uncle, deceaſed, to apply unto Mr. Wing Aſhfield, then attorney for the ſaid William Clarke in a cauſe of Walker againſt the corporation of Leiceſter, to adviſe him on the proceedings in the ſaid cauſe; upon which occaſion this deponent (meaning himſelf the ſaid William Clarke) went with the ſaid Wing Aſhfield to the houſe of one *Mr. Croſsley*, alſo in the ſaid rule mentioned (meaning the ſaid *George Croſsley)* to conſult him what ſteps would be proper to take relative to the further progreſs of the ſaid cauſe, and left the papers and proceedings in the ſaid cauſe with the ſaid Mr. Croſsley (again meaning the ſaid George Croſsley) for his advice thereon, and about a week afterwards (meaning after he the ſaid William Clarke ſo as aforeſaid went with the ſaid Wing Aſhfield to the houſe of the ſaid George Croſſley for the purpoſe aforeſaid) this deponent (again meaning himſelf

ſelf the ſaid William Clarke) went again with the ſaid Mr. Aſhfield (meaning the ſaid Wing Aſhfield) to the ſaid Mr. Croſsley's (meaning to *the houſe* of the ſaid George Croſsley), and at ſuch meeting the ſaid Mr. Croſsley (again meaning the ſaid George Croſsley) produced a paper ſimilar to that produced to this deponent as aforeſaid (meaning ſimilar to the ſaid paper produced and ſhewn to him the ſaid William Clarke in the *ſaid court of our lord the* NOW *king before the king himſelf* as aforeſaid), and which (meaning which paper) this deponent (again meaning himſelf the ſaid William Clarke) hath no doubt is the identical paper mentioned by Mr. Stokes (meaning the ſaid Thomas Stokes) in his ſaid affidavit (meaning the ſaid affidavit of the ſaid Thomas Stokes above-mentioned), and ſo as aforeſaid produced to this deponent (meaning ſo as aforeſaid produced to the ſaid William Clarke in the ſaid court of our lord the now king before the king himſelf); and the ſaid Mr. Croſsley (meaning the ſaid George Croſsley) then (meaning at the time of the laſt-mentioned meeting) informed the ſaid Mr. Aſhfield (meaning the ſaid Wing Aſhfield) and this deponent (meaning himſelf the ſaid William Clarke) he (meaning the ſaid George Croſsley) found the ſaid paper amongſt the papers ſo left in the ſaid cauſe: whereas in truth and in fact the ſaid William Clarke, at the time of making his affidavit aforeſaid, well knew that the ſaid paper in his ſaid affidavit mentioned to have been produced by the ſaid George Croſsley at the time and on the occaſion in the ſaid affidavit of him the ſaid William Clarke in that behalf mentioned, was not the *identical paper* mentioned by the ſaid Thomas Stokes in his affidavit above-mentioned, and which was ſo as aforeſaid produced to the ſaid William Clarke in the ſaid court of our ſaid lord *the king* before the king himſelf, to wit, at Weſtminſter, in the ſaid county of Middleſex: And the jurors aforeſaid, upon their oath aforeſaid, do further ſay, that one of the ſaid letters (copies whereof followed in the ſaid affidavit of the ſaid Thomas Stokes) purports to be a letter from the ſaid William Clarke to the ſaid George Croſsley, dated "Workſop, 6 March 95," and which contains, amongſt other things, the matters following, that is to ſay, "I (meaning himſelf the ſaid William Clarke) have got you "four deed ſtamps, which are all I can get here. I (meaning "himſelf the ſaid William Clarke) cannot find a ſixteen ſhilling "bond ſtamp, as I promiſed; they are all on one ſtamp, and a "figure of three upon it, which I (again meaning himſelf the "ſaid William Clarke) think would not do. I (again meaning "himſelf the ſaid William Clarke) ſhall be going ſhortly to ano-"ther place, and will try there, and when got ſend it you (meaning "the ſaid George Croſsley), or an old ſheet may be ſtamped. I "(again meaning himſelf the ſaid William Clarke) have ſome very "choice paper, *forty years* old:" And the jurors aforeſaid, upon their oath aforeſaid, further ſay, that the ſaid William Clarke, of Workſop, upon his oath aforeſaid, in and by his affidavit aforeſaid, did falſely, corruptly, knowingly, wilfully, and wickedly, further

depoſe and ſwear as follows, that is to ſay, by the expreſſion "I "(meaning himſelf the ſaid William Clarke) have ſome very choice "paper forty years old" (meaning the ſaid expreſſion contained in the above-mentioned letter from him the ſaid William Clarke to the ſaid George Croſsley, dated "Workſop, 6 March 95"), this deponent (meaning himſelf the ſaid William Clarke) meant and alluded to ſome very curious India paper which (meaning which paper) was made a preſent of by the late Sir Hugh Palliſer, baronet, to this deponent's (meaning the ſaid William Clarke's) wife, who (meaning the wife of the ſaid William Clarke) was his (meaning the ſaid Sir Hugh Palliſer's) near relation, and which (meaning which paper) this deponent (meaning himſelf the ſaid William Clarke) meant would make a handſome chimney-board or fire-ſcreen; and by ſuch expreſſion (meaning the ſaid expreſſion "I have ſome very choice paper forty years old") this deponent (again meaning himſelf the ſaid William Clarke) meant ſuch India paper, and no other paper: whereas in truth and in fact by the ſaid expreſſion, "I have ſome very choice paper forty years old," the ſaid William Clarke did not mean and allude to ſome very curious India paper which was made a preſent of by the late Sir Hugh Palliſer to the wife of the ſaid William Clarke; and whereas in truth and in fact the ſaid William Clarke did not mean that *the ſaid paper* would make a handſome chimney-board or fire-ſcreen; and whereas in truth and in fact by the ſaid expreſſion, "I have ſome very choice paper forty years old," the ſaid William Clarke did not mean the ſaid India paper above mentioned to have been given to the wife of the ſaid William Clarke by the ſaid Sir Hugh Palliſer: And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid William Clarke, on the ſaid thirty-firſt day of May, in the thirty-ſixth year aforeſaid, at Weſtminſter aforeſaid, in the ſaid county of Middleſex, before the ſaid court of our ſaid *lord the king, before the king himſelf, the ſaid court then and there having a lawful and competent authority* to adminiſter the ſaid oath to him the ſaid William Clarke, by his own act and conſent, and of his own moſt wicked and corrupt mind, in manner and form aforeſaid, in and by his affidavit aforeſaid, upon his oath aforeſaid, did falſely, wickedly, wilfully, and corruptly, upon his oath ſo taken as aforeſaid, commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, in contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity. G. WOOD.

Indictment for perjury in anſwer to interrogatories in chancery.

MIDDLESEX. The jurors of our ſovereign lord the king, upon their oath preſent, that M. E. B. commonly called the Counteſs of S. on the twentieth day of Auguſt, in the twenty-ſeventh year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. did exhibit certain interrogatories in writing

writing in his majesty's high court of chancery (the said court then and still being held at Westminster in the county of Middlesex), in a certain cause then and long before commenced by English bill of complaint, then depending and at issue in the said court of chancery, wherein the said M. E. B. commonly called the countess of S. by W.L. esquire, her next friend, was the complainant, and A. R. B. esquire, H. B. T. G. esquire, W. B. esquire, and G. S. esquire, the defendants, in order that the said interrogatories might be administered according to the course and practice of the said court of chancery to certain witnesses to be produced, sworn, and examined in the said cause, so then depending and at issue on the part and behalf of herself the said M. E. B. the said complainant: And the jurors aforesaid, upon their oath aforesaid, further present, that it became and was made a material question between the said parties in the said cause, to enquire in and by the said interrogatories so exhibited, touching and concerning a certain deed or instrument, certain deeds or instruments, in the complainant's bill in the said cause mentioned, and the time of executing the same; and also touching and concerning a certain marriage before then had and solemnized between the said M. E. B. and the said A. R. B. and touching and concerning the cause and consideration of the said deed or instrument, and whether such deed or instrument was prepared or got ready for execution in contemplation of the said marriage and after the said M. E. B. had consented to such marriage: and it was then and there, in and by the third interrogatory of the said interrogatories so exhibited by the said M. E. B. as aforesaid, set forth in manner and form and to the effect following, that is to say, had the complainant (meaning the said M. E. B.), as you (meaning the said witnesses to be produced, sworn, and examined as aforesaid) know, or for any or what reason believe, at any time before, and how long before her marriage with the defendant (meaning the said A. R. B.) her present husband, and after the death of her first husband, any intention, design, and inclination to intermarry with, or did she (meaning the said M. E. B.) in any and what manner intimate a vow or dislike to any and what *persons* or person, an intention, design, and inclination to intermarry with any other person, and whom, where, any, and what instructions or directions given by or on the behalf of the complainant (meaning the said M. E. B.) at any time before and how long before her marriage with the defendant (meaning the said A. R. B.) her present husband, to any and what persons or person, for the preparing and getting ready for her execution any and what deeds or instruments, or deed or instrument, for selling, or limiting, or conveying all, or any, and what part of her estates and property, so and in such manner as that she (meaning the said M. E. B.) might have the separate and exclusive use and enjoyment thereof, and of the income arising therefrom, independent of and free from the controul, debts,

Set out the whole interrogatory.

or intermeddling of any future husband, or of any and what person with whom she (meaning the said M. E. B.), as you (meaning the witnesses to be produced, sworn, and examined as aforesaid) know, or for any and what reason believe, had it in contemplation to intermarry, and were or was such deeds or instruments, or deed or instrument, at any time and when prepared and got ready for her to execute, or how otherwise, as you (meaning the witnesses to be so produced, sworn, and examined as aforesaid) know, or for any and what reason believe, and was it then in her (meaning the said M. E. B.) contemplation to intermarry with any and what person, as you (meaning the said witnesses) know, or for any and what reason believe; and did such person approve of or was he privy to the making, or to the complainant's (meaning the said M. E. B.) intention of making such settlement or not, as you (meaning the said witnesses) know, or for any and what reason believe, were or was such deeds or instruments, or deed or instrument, prepared and got ready for execution in contemplation of her the complainant's (meaning the said M. E. B.) marriage with the defendant (meaning the said A. R. B.) her present husband or not, as you (meaning the said witnesses) know, or for any and what reason believe, how long before her (meaning the said M. E. B.) marriage with her present husband (meaning the said A. R. B.) had she (meaning the said M. E. B.) resolved upon, consented, or agreed to such marriage, as you (meaning the said witnesses) know, or for any and what reason believe Declare as by the said third interrogatory affiled, &c. remaining of record in the said high court of chancery, at Westminster aforesaid, in the said county of Middlesex, may more fully and at large appear: And the jurors aforesaid, upon their oath aforesaid, further present, that G. W. late of the parish of Greetham, in the county of Rutland, husbandman, who was and is one of the witnesses to whom the said interrogatories in the said cause were to be, and were accordingly administered, afterwards, to wit, on the *twentieth* (1) day of *August* (2) in the *twenty-seventh* (3) year of the reign aforesaid, at the parish of Saint Dunstan in the West, in the said county of Middlesex, came in his own proper person before *T. W.* esquire, (4) then being one of the masters of the said court of chancery, and having seen the said interrogatory so exhibited in the said court of chancery, then and there, to wit, at the said parish of Saint Dunstan in the West, in the said county of Middlesex, before the said T. W. esquire, so being such master of the said court of chancery, was duly sworn and took his corporal oath on the holy Gospel of God, before the said T. W. esquire (then being one of the masters of the said court of chancery, and then and there, to wit, at the parish last aforesaid, in the said county of Middlesex, having sufficient power and authority to administer an oath in that behalf to the said G. W.); and in and by the said oath the said G. W. on his said oath before the said T. W. esquire

(1) "twenty-fourth."
(2) "January."
(3) "thirty-fourth."
(4) "Edward Leeds."

esquire (the said T. W. esquire, then having such sufficient power and authority in that behalf as aforesaid), did swear, that he the said G. W. would true answer make to all such questions as should be asked him upon those interrogatories at the time of his examination; that he would speak the truth, the whole truth, and nothing but the truth, without favour or affection to the parties: And the jurors aforesaid, upon their oath aforesaid, further present, that the said G. W. late of the parish of Greetham aforesaid, in the said county of Rutland, afterwards, to wit, on the same twentieth day of August, in the twenty-seventh year of the reign aforesaid, was duly examined in the said high court of chancery, at Westminster aforesaid, to wit, at the said parish of Saint Dunstan in the West, in the said county of Middlesex, according to the course and custom of the said high court of chancery, upon the said interrogatories; and that he the said G. W. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and minding and intending unjustly to aggrieve the said A. R. B. one of the defendants aforesaid, did then and there, to wit, at the parish of Saint Dunstan in the West, in the said county of Middlesex, upon his oath aforesaid, in his answer to the said third interrogatory, knowingly, falsely, wickedly, maliciously, and corruptly, by his own act and consent (amongst other things) answer, swear, and affirm in writing as follows, that is to say, and this deponent (meaning himself the said G. W.) further saith, that he (meaning himself the said G. W.) is well convinced in his own mind the complainant (meaning the said M. E. B.) never had a liking for or an intention to marry her present husband (meaning the said A. R. B.) until the night before she was married, and therefore could not resolve upon a marriage with him (meaning the said A. R. B.); and saith that he (meaning himself the said G. W.) does not recollect or believe that the defendant B. (meaning the said A. R. B), the complainant's (meaning the said M. E. B.) present husband (meaning the said A. R. B.) ever visited at the complainant's (meaning the said M. E. B.) house more than twice; once he (meaning the said A. R. B.) came to dinner, and once to supper, between the death of the complainant's (meaning the said M. E. B.) first husband and the complainant's (meaning the said M. E. B.) marriage (meaning the marriage of the said M. E. B. with the said A. R. B.); and those visits only appeared to this deponent (meaning himself the said G. W.) to be in a common friendly way as an acquaintance; and that so far from the complainant's (meaning the said M. E. B.) having any liking for the defendant B. (meaning the said A. R. B.) she (meaning the said M. E. B.) seemed rather to dislike him (meaning the said A. R. B.) and his (meaning the said A. R. B.) company; for this deponent (meaning himself the said G. W.) received general orders from the complainant (meaning the said M. E. B.), that whenever the defendant B. (meaning the

ſaid A. R. B. then called Stoney) called at her houſe (meaning the houſe of her the ſaid M. E. B.), he (meaning the ſaid A. R. B.) was not be admitted, but the complainant (meaning the ſaid M. E. B.) was always to be denied being at home; and that this deponent (meaning himſelf the ſaid G. W.), in purſuance of ſuch general order, did deny the complainant's (meaning the ſaid M. E. B.) being at home, when the defendant B. (meaning the ſaid A. R. B.) called, although ſhe (meaning the ſaid M. E. B.) was at home at the ſame time; and that the complainant (meaning the ſaid M. E. B.) never ſeemed to have the leaſt liking for or inclination to marry the ſaid defendant B. (meaning the ſaid A. R. B.); nor does this deponent (meaning himſelf the ſaid G. W.) believe ſhe (meaning the ſaid M. E. B.) ever intended it until the evening of the ſixteenth of January 1777, as by the ſaid anſwer to the ſaid third interrogatory, remaining affiled in the ſaid high court of chancery at Weſtminſter aforeſaid, may, amongſt other things, more fully appear; whereas in truth and in fact he the ſaid G. W. at the time he took his ſaid oath, and alſo at the time he was ſo examined as aforeſaid, well knew that the ſaid M. E. B. had had an intention to marry the ſaid A. R. B. her preſent huſband long before, to wit, for the ſpace of two months before the night on which the ſaid M. E. B. was married to the ſaid A. R. B.; and whereas in truth and in fact the ſaid A. R. B. the complainant's preſent huſband, had, between the time of the death of the earl of S. then deceaſed, the firſt huſband of the ſaid M. E. B. in his lifetime, and the marriage of the ſaid M. E. B. with the ſaid A. R. B. at divers and diſtinct times, amounting together to a great number, to wit, five hundred times, from time to time viſited at the houſe of the ſaid M. E. B.; and whereas in truth and in fact he the ſaid A. R. B. had dined and ſupped with the ſaid M. E. B. at the houſe of the ſaid M. E. B. at various times more than twice, to wit, fifty times between the death of the ſaid firſt huſband of the ſaid M. E. B. and the marriage of the ſaid M. E. B. with the ſaid A. R. B.; and whereas in truth and in fact the ſaid G. W. at the time he took his ſaid oath, and alſo at the time he was ſo examined as aforeſaid, well knew that the ſaid A. R. B. had from from time to time, at divers and diſtinct times more than twice, to wit, five hundred times, viſited the ſaid M. E. B. at the houſe of the ſaid M. E. B. between the time of the death of the ſaid firſt huſband of the ſaid M. E. B. and her marriage, and had at divers of thoſe times more than twice, to wit, fifty times, dined and ſupped with the ſaid M. E. B. at her ſaid houſe; and whereas in truth and in fact the ſaid G. W. did not at any time whatſoever receive general orders or any orders from the ſaid M. E. B. that whenever the ſaid A. R. B. called at her houſe he was not to be admitted, but that the ſaid M. E. B. was always to be denied being at home; and whereas in truth and in fact the ſaid M. E. B. was not denied being at home to the ſaid A. R. B. when he

the ſaid A. R. B. called at her houſe, at any time whatſoever when ſhe the ſaid M. E. B. was at home; and whereas in truth and in fact the ſaid G. W. did not deny the ſaid M. E. B. being at home when he the ſaid A. R. B. called, at any time when the ſaid M. E. B. was at home; and whereas in truth and in fact the ſaid A. R. B. was not ever denied to be admitted to the houſe of the ſaid M. E. B. under pretence that the ſaid M. E. B. was not at home, or under any other pretence whatever, by the order of the ſaid M. E. B.; and whereas in truth and in fact the ſaid M. E. B. did, to the knowledge and obſervation of the ſaid G. W. long before, to wit, for ſix weeks next before the ſixteenth day of January 1777, ſeem to have a liking and inclination to marry the ſaid A. R. B.; and whereas in truth and in fact the ſaid G. W. at the time he was ſo ſworn and examined as aforeſaid, well knew that the ſaid M. E. B. long before, to wit, for the ſpace of ſix weeks next before the ſaid ſixteenth day of January 1777, had a liking and inclination to marry the ſaid A. R. B.; and whereas in truth and in fact the ſaid M. E. B. did intend to marry the ſaid A. R. B. long before the evening of the ſixteenth of January 1777, to wit, for ſix weeks before the ſaid ſixteenth of January 1777; and whereas in truth and in fact the ſaid G. W. at the time he was ſo ſworn, and alſo at the time he was ſo examined as aforeſaid, well knew that the ſaid M. E. B. did intend to marry the ſaid A. R. B. before the evening of the ſixteenth of January 1777: And ſo the jurors aforeſaid, upon their oath aforeſaid, ſay, that the ſaid G. W. on the ſaid twentieth day of Auguſt, in the twenty-ſeventh year of the reign of our lord the now king, at the pariſh of St. Dunſtan in the Weſt aforeſaid, in the county of Middleſex aforeſaid, before the ſaid T. W. eſquire, then being one of the ſaid maſters in chancery, and ſo as aforeſaid having ſuch ſufficient power and authority to adminiſter the ſaid oath to the ſaid G. W. as aforeſaid, knowingly, falſely, wickedly, maliciouſly, wilfully, and corruptly, in manner and form aforeſaid, on his oath aforeſaid, in and by his anſwer to the ſaid third interrogatory, did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, in contempt of our ſaid lord the king and his laws, to the great damage of the ſaid A. R. B. to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our lord the now king, his crown and dignity.

W. FIELDING.

Indictment for perjury in a cauſe in the eccleſiaſtical court for defamation.

THE CITY OF BRISTOL, AND COUNTY OF THE SAME CITY. The jurors for our ſovereign lord the now king, upon their oath preſent, that before the day of taking this inquiſition, to wit, on the eighteenth day of December, in the year of Our Lord 1779, at the pariſh *of Saint James, in the city of Briſtol,*

Briſtol, and county of the ſaid city, Ruth Sheppard, wife of Francis Sheppard, late of the pariſh of Saint George, in the county of Glouceſter, labourer, not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, and contriving and maliciouſly intending to injure one Richard Green, and to avert truth itſelf, came in her own proper perſon before *J. Camplin, then ſurrogate of the dean and chapter of Briſtol*, and did then and there, that is to ſay, on the day and year aforeſaid, at the ſaid pariſh of Saint James, in the aforeſaid city of Briſtol, and county of the ſame city, as a witneſs in a certain cauſe or ſuit, to wit, a cauſe of defamation, then depending in the epiſcopal court of Briſtol, between one Anne Jones, by the name of Anne Jones, of the pariſh of Saint George, in the county of Glouceſter and dioceſe of Briſtol, widow, againſt the aforeſaid Richard Green, by the name of Richard Green of the pariſh of Saint James, in the city and dioceſe of Briſtol, clerk, take her corporal oath upon the holy Goſpel of God, before the ſaid J. Camplin (the ſaid J. Camplin then and there having full power and authority to adminiſter an oath to the ſaid Ruth Sheppard in that behalf), and then and there, to wit, on the day and year aforeſaid, at the ſaid pariſh of Saint James, in the aforeſaid city of Briſtol, and county of the ſame city, by her own act and conſent, upon her ſaid oath before the ſaid J. Camplin (the ſaid J. Camplin then and there having ſuch power and authority to adminiſter the ſaid oath to the ſaid Ruth Sheppard as aforeſaid,) falſely, wilfully, maliciouſly, and corruptly, did ſay, repeat, depoſe, ſwear, and make depoſition in writing, intituled as followeth, to wit, in the epiſcopal court of Briſtol, Anne Jones, of the pariſh of Saint George, in the county of Glouceſter and dioceſe of Briſtol, widow, againſt Richard Green, of the pariſh of Saint James, in the city and dioceſe of Briſtol, clerk, in a cauſe of defamation; depoſitions on the libel, and containing therein, amongſt other things, as follows, that is to ſay, to the ſecond article of the ſaid libel (meaning a certain libel or articles of complaint which had been exhibited by the aforeſaid Anne Jones againſt the aforeſaid Richard Green, in and to the aforeſaid epiſcopal court of Briſtol, in the aforeſaid cauſe or ſuit of defamation, and in the ſecond article whereof the ſaid Anne Jones had charged and accuſed the ſaid Richard Green with calling her a whore and otherwiſe defaming her) this deponent (meaning herſelf the ſaid Ruth Sheppard) ſaith, that ſhe (again meaning herſelf the ſaid Ruth Sheppard) was preſent at the dwelling-houſe of the articulate (meaning the aforeſaid Anne Jones) in the pariſh of Saint George, in the county of Glouceſter, in the dioceſe of Briſtol, on Monday the twenty-ſeventh day of September laſt paſt (meaning the month of September in the year of Our Lord 1779 aforeſaid), when ſhe (meaning herſelf the ſaid Ruth Sheppard) heard the libellate Richard Green (meaning

You muſt be careful as to this deſcription.

ing the ſaid Richard Green hereinbefore-mentioned) abuſe the articulate Anne Jones (meaning the ſaid Anne Jones hereinbefore-mentioned) in a very ſcandalous manner, and call her (meaning the ſaid Anne Jones) a whore ſeveral times; and that afterwards on the ſame twenty-ſeventh day of September laſt paſt (meaning the month of September, in the year 1779 aforeſaid), ſhe (meaning herſelf the ſaid Ruth Sheppard) was in company with the ſaid Anne Jones, in Wade-ſtreet, in the pariſh of Saint Philip and Jacob, in the county of Glouceſter and dioceſe of Briſtol, when the libellate (meaning the ſaid Richard Green) took hold of the bridle of the horſe on which the articulate Anne Jones was then riding, and again called her a whore ſeveral times, as by the ſaid depoſition (reference being thereto had) will, amongſt other things, fully appear: Whereas in truth and in fact the ſaid Ruth Sheppard was not preſent at the dwelling-houſe of the aforeſaid Anne Jones, in the pariſh of Saint George, in the county of Glouceſter, in the dioceſe of Briſtol, on Monday the twenty-ſeventh day of September, in the year 1779 aforeſaid, nor did ſhe then hear the aforeſaid Richard Green abuſe the aforeſaid Anne Jones in a very ſcandalous manner, and call her a whore ſeveral times; and whereas in truth and in fact neither the ſaid Richard Green nor the ſaid Ruth Sheppard was preſent at the dwelling houſe of the ſaid Anne Jones, in the aforeſaid depoſition mentioned, on the twenty-ſeventh day of September 1779, nor did the ſaid Richard Green then or at any other time abuſe the aforeſaid Anne Jones in a ſcandalous or any other manner, nor did he then or at any other time whatſoever call her a whore ſeveral times in the hearing of the ſaid Ruth Sheppard; and whereas in truth and in fact the aforeſaid Richard Green did not on the aforeſaid twenty-ſeventh day of September, in the year 1779 aforeſaid, call the aforeſaid Anne Jones a whore, or in any other manner whatſoever defame the ſaid Anne Jones, and ſo the ſaid Ruth Sheppard well knew at the time of her taking her aforeſaid oath and making her aforeſaid depoſition in that reſpect as aforeſaid; and whereas in truth and in fact the aforeſaid Ruth Sheppard was not on the aforeſaid twenty-ſeventh day of September 1779 in company with the ſaid Anne Jones in Wade-ſtreet, in the pariſh of Saint Philip and Jacob, in the county of Glouceſter and dioceſe of Briſtol, nor did the aforeſaid Richard Green take hold of the bridle of the horſe of the aforeſaid Anne Jones, as in the aforeſaid depoſition is falſely and corruptly alledged, and again call her a whore ſeveral times; and whereas in truth and in fact the ſaid Richard Green did not on the aforeſaid twenty-ſeventh day of September, in the year 1779 aforeſaid, take hold of the bridle of the horſe of the aforeſaid Anne Jones, and call her a whore, as the ſaid Ruth Sheppard hath, in her depoſition aforeſaid, falſely, wilfully, and corruptly depoſed, and ſo the ſaid Ruth Sheppard well knew at the time of her making her aforeſaid depoſition in that reſpect; and whereas in truth and in fact the aforeſaid Richard Green did

not

not at any time on the aforesaid twenty-seventh day of September 1779, call the aforesaid Anne Jones a whore: And so the aforesaid jurors, on their aforesaid oath, do say, that the aforesaid Ruth Sheppard, on the said eighteenth day of December, in the year of our Lord 1779 aforesaid, at the said parish of Saint James, in the city of Bristol and county of the same city, before the aforesaid J. Camplin (the said J. Camplin then and there having full power and authority to administer the aforesaid oath to the said Ruth Sheppard in the respect aforesaid), by, of, and through her own act and consent, in manner and form aforesaid, upon her aforesaid oath did falsely, maliciously, wilfully, and corruptly, commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of the laws of this realm, to the wicked and evil example of all others in the like case offending, to the subversion of public justice and good government of this kingdom, to the great damage of the aforesaid Richard Green, and against the peace of our lord the now king, his crown and dignity. V. LAWES.

Indictment for perjury before a committee of the house of commons concerning bribery and treating at the Cricklade election.

MIDDLESEX, to wit. The jurors for our lord the king, upon their oath present, that the borough of Cricklade, in the county of Wilts, is an ancient borough, and for a long space of time two burgesses of the same borough have been elected and sent, and have been used and accustomed, and of right ought to be elected and sent to serve as burgesses for the same borough in the parliament of this kingdom, to wit, at the borough of Cricklade, in the county of Wilts; and that on the seventeenth day of February, in the fifteenth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. an election of an apt and discreet burgess of the said borough to serve as a burgess for the aforesaid borough of Cricklade, in the place of William Earle, esquire, then deceased, in the then parliament of our said lord the now king, came on, to wit, at the borough of Cricklade, in the said county of Wilts, and thereupon one Samuel Peach, esquire, and one John Dewar, esquire, were returned to serve in the said parliament for the said borough of Cricklade: And the jurors aforesaid, upon their oath aforesaid, further present, that afterwards, to wit, on Thursday, the nineteenth day of January, in the fifteenth year of the reign of our said lord the king, the said John Dewar did present a certain petition in writing to the lower house of parliament of our said lord the king, then held at Westminster aforesaid, to wit, in the parish of Saint Margaret, Westminster, in the county of Middlesex, directed to the honourable the commons of Great Britain in parliament assembled, thereby setting forth, among other things, that at the late election of a burgess to serve in parliament for the said borough of Cricklade, in the county of Wilts, in the room of the said William Earle, esquire, deceased, and Samuel Peach, esquire, the petitioner were candidates; and that

that at the ſaid election, which came on the twenty-ſeventh day of December then laſt before Thomas Carter, bailiff, and returning officer for the ſaid borough, a great majority of legal votes *was* given for the petitioner, who ought to have been returned accordingly, but the ſaid returning-officer, notwithſtanding ſuch majority, had returned the ſaid Samuel Peach and the petitioner, inſtead of the petitioner alone, to the great injury of the petitioner, and in violation of the rights of the electors of the ſaid borough, and ſuch petition therefore prayed that the ſaid return might be amended by eraſing the name of the ſaid Samuel Peach therefrom, and that the ſaid petitioner only might be declared duly elected, or have ſuch other relief as the houſe ſhould think meet: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that afterwards, to wit, on Thurſday, the nineteenth day of January, in the fifteenth year of the reign of our ſaid lord the now king, the ſaid Samuel Peach, eſquire, did preſent a certain petition in writing to the lower houſe of parliament of our ſaid lord the king, then held at Weſtminſter, in the county of Middleſex, to wit, in the pariſh of Saint Margaret, Weſtminſter, in the county of Middleſex, directed to the honourable the commons of Great Britain in parliament aſſembled, thereby ſetting forth, among other things, that at the late election of a burgeſs to repreſent the borough of Cricklade, in the county of Wilts, in parliament, in the room of William Earle, eſquire, deceaſed, the ſaid Samuel Peach, the petitioner, and John Dewar, eſquire, were candidates, that the ſaid election came on about eleven of the clock in the forenoon, of the twenty-ſeventh day of December then laſt paſt, and the returning-officer proceeded to take the poll in the church, as the moſt convenient place for that purpoſe, and continued the poll till four of the clock of the afternoon of the ſame day, when only forty-one out of near two thouſand perſons having a right to vote had given their ſuffrages; that the poll being adjourned to the ſame place, and at the hour of nine on the next morning, the petitioner, with his counſel, agents, and a very numerous body of electors who meant to vote for the petitioner, appeared at the church-porch purſuant to the ſaid adjournment; that as the returning-officer and the candidates, together with the electors, were entering the church, in order to proceed to the place of polling, a riot commenced, which obliged the returning-officer immediately to cloſe the poll, and on that account he returned the ſaid John Dewar and the petitioner to repreſent the ſaid borough in the room of the ſaid William Earle; and that the petitioner, by reaſon thereof, was prevented from receiving the ſuffrages of a large majority of the electors for the ſaid borough, and of obtaining a legal right to repreſent the ſaid borough for the remainder of the then preſent parliament; that from the time of the deceaſe of the ſaid William Earle unto the cloſe of the poll, the town of Cricklade, by means of the feaſts and entertainments daily and conſtantly given by and at the expence of the ſaid John

Dewar

Dewar or his agents to the electors of the ſaid borough, in order to procure their votes for the ſaid John Dewar, was kept in continual riot, tumult, idleneſs, and diſſipation, to the great injury of the inhabitants of the ſaid borough, whereby the morals of the ſaid people were corrupted, and the public peace much diſturbed; that by the above and other undue means made uſe of by the ſaid John Dewar or his agents, and by the conduct of the returning-officer, the ſenſe of the electors at large had not been taken, and the petitioner was thereby much aggrieved; and therefore praying the houſe to take the premiſes into conſideration, and grant ſuch relief therein as to the houſe ſhould, upon examination, appear to be juſt; and ſuch proceedings were thereupon had in the ſaid lower houſe of parliament, that afterwards, to wit, on the fourteenth day of February, in the fifteenth year aforeſaid, in the ſaid lower houſe of parliament, to wit, at the ſaid pariſh of Saint Margaret, Weſtminſter, in the ſaid county of Middleſex, George Grenville, eſquire, Jervoiſe Clarke, eſquire, Philip Raſhleigh, eſquire, Francis Anneſley, eſquire, Noel Hill, eſquire, right honourable Thomas Townſend, Richard Wilbraham Bootle, eſquire, John Smith, eſquire, Sir Cecil Wray, bart. Richard Pennant, eſquire, Thomas Liſter, eſquire, Thomas Edwards Freeman, eſquire, Charles Spencer, eſquire, commonly called Lord Charles Spencer, *Lord Beauchamp*, and John Bond, eſquire, then being members of the ſaid lower houſe of parliament, were in due manner, according to the ſtatutes in ſuch caſe made and provided, choſen, nominated, and ſworn to be a ſelect committee to try and determine the merits of the ſaid election of the ſaid Samuel Peach, and the ſaid John Dewar, ſo returned to ſerve in the ſaid parliament as *a burgeſs* for the borough of Cricklade: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid, &c. ſo choſen, nominated, and ſworn as aforeſaid, afterwards, to wit, on the ſaid fourteenth day of February, in the fifteenth year aforeſaid, at a certain place adjacent to the houſe of commons, the ſecond committee-chamber, ſituate in the pariſh of St. Margaret, Weſtminſter, in the county of Middleſex, did in due manner meet to try and determine the matters of the ſaid petition of the ſaid Samuel Peach, and the ſaid John Dewar, ſo returned to ſerve in the ſaid parliament for the ſaid borough of Cricklade: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that John Haynes, late of the borough of Cricklade, in the county of Wilts, victualler, afterwards, that is to ſay, on the ſeventeenth day of February, in the fifteenth year aforeſaid, at the ſaid pariſh of Saint Margaret, Weſtminſter, in the ſaid county of Middleſex, did appear as a witneſs, touching the matters of the ſaid petition before the ſaid ſelect committee (the ſaid ſelect committee being then and there met to try and determine the matters of the ſaid election), and the ſaid John Haynes was then and there duly ſworn, and did take his corporal oath upon the holy Goſpel of God, before the ſelect committee aforeſaid, to ſpeak the truth, the whole truth, and nothing

nothing but the truth of and concerning the aforesaid premises (the select committee aforesaid then and there having competent and sufficient power and authority to administer the said oath to the said John Haynes in that behalf); and the said John Haynes being so sworn as aforesaid, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and not regarding the laws of this realm, nor the pains and penalties therein contained, but minding and intending to pervert the due course of election of members to serve in parliament, and to subvert the constitution of this realm, on the said seventeenth day of February, in the fifteenth year aforesaid, at the said parish of Saint Margaret, Westminster, in the said county of Middlesex, on his oath aforesaid, falsely, wickedly, maliciously, wilfully, and corruptly did say, depose, swear, and give in evidence to the select committee aforesaid, touching the matters of the said election, in substance and to the effect as followeth, that is to say, that there was *not a farthing* or any money paid to him the said John Haynes *on account of Mr. Dewar and Mr. Peache's election* (meaning the aforesaid election for the borough of Cricklade), *that he could not say how much was due* to him the said John Haynes on that account; that there was not the sum of fifty pounds due to him the said John Haynes on account of such election; that his the said John Hayne's bill never *came to twenty pounds in one day* during such election; that he the said Haynes had not entertained ten or twenty persons at the expence of the said John Dewar; that he the said Haynes *did not furnish any entertainment to any of the town* (meaning any of the inhabitants of the town of Cricklade) *on Mr. Dewar's account* (meaning on the said John Dewar's account); that he the said John Haynes had not paid any money on his the said John Dewar's account; that there never was more than half a dozen people with him the said John Dewar at a time (meaning at any time during the aforesaid election); that he the said John Haynes had not drawn draughts on the said J. Dewar for more than to the amount of fifty pounds; and that such draughts were drawn upon him the said John Dewar, because he the said John Dewar was to lend him the said John Haynes money, and that such draughts were not for treating the voters (meaning the voters at the aforesaid election for the borough of Cricklade); that he the said John Haynes was not employed by young Dewar (meaning the said John Dewar) to furnish any thing for the last election (meaning the said election for the borough of Cricklade); that the voters at such election paid for themselves; that the said John Dewar was not to pay; that he the said John Haynes trusted them (meaning the aforesaid voters at such election for the borough of Cricklade); that he the said John Haynes was never ordered to draw any liquor on the account of the said John Dewar; that he the said John Haynes saw no mob by Dewar (meaning the said John Dewar) during the election time, or be-

ſore or after (meaning the aforeſaid election for the borough of Cricklade); that he the ſaid John Haynes ſaw no mob by Dewar's people, nor Dewar's friends, during the time of election, nor before nor after (meaning the time of ſuch election for the borough of Cricklade aforeſaid). Whereas in truth and in fact there was money paid to him the ſaid John Haynes on account of the aforeſaid election for the borough of Cricklade, in the ſaid county of Wilts; and whereas in truth and in fact he the ſaid John Haynes could ſay how much was due to him the ſaid John Haynes on that account; and whereas in truth and in fact there was the ſum of fifty pounds and more due to him the ſaid John Haynes on account of ſuch election; and whereas in truth and in fact his the ſaid John Haynes's bill did come to twenty pounds and more in one day during ſuch election; and whereas in truth and in fact he the ſaid John Haynes had entertained more than twenty perſons at the expence of the ſaid John Dewar; and whereas in truth and in fact he the ſaid John Haynes had furniſhed entertainment for ſome of the inhabitants of the town of Cricklade on the ſaid John Dewar's account; and whereas in truth and in fact he the ſaid John Haynes had paid money on his the ſaid John Dewar's account; and whereas in truth and in fact there were more than half a dozen people with him the ſaid John Dewar at a time during the aforeſaid election; and whereas in truth and in fact he the ſaid John Haynes had drawn draughts on him the ſaid John Dewar for more than to the amount of fifty pounds; and whereas in truth and in fact ſuch draughts were not drawn upon him the ſaid John Dewar, becauſe he the ſaid John Dewar was to lend him the ſaid John Haynes money, as he the ſaid John Haynes ſo then and there falſely, wickedly, wilfully, and corruptly ſwore as aforeſaid; and whereas in truth and in fact ſuch draughts were for treating the voters at the aforeſaid election for the borough of Cricklade; and whereas in truth and in fact he the ſaid John Haynes was employed by the ſaid John Dewar to furniſh many things for the laſt election for the borough of Cricklade aforeſaid; and whereas in truth and in fact the voters at ſuch election did not pay for themſelves, nor did he the ſaid John Haynes truſt ſuch voters at ſuch election for the borough of Cricklade; and whereas in truth and in fact he the ſaid John Haynes was ordered to draw liquor on account of the ſaid John Dewar; and whereas in truth and in fact he the ſaid John Haynes ſaw a mob by the ſaid John Dewar in ſuch election time for the borough of Cricklade aforeſaid; and whereas in truth and in fact he the ſaid John Haynes ſaw a mob by Dewar's people and Dewar's friends during the time of ſuch election for the borough of Cricklade aforeſaid: And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid John Haynes, on the ſaid ſeventeenth day of February, in the fifteenth year of the reign of our ſaid lord the now king at the pariſh of Saint Margaret, Weſtminſter, in the ſaid county of Middleſex, before the committee aforeſaid, then and there having competent power and authority to adminiſter the aforeſaid

ſaid oath to the ſaid John Haynes in that behalf, by his own act and conſent, in manner and form aforeſaid, upon his oath aforeſaid, falſely, wickedly, maliciouſly, wilfully, and corruptly did commit wilful and corrupt perjury, to the great diſpleaſure of Almighty God, in evil example of all others in the like caſe offending, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

RIOTS, RESCUES.

Indictment at the quarter ſeſſions for reſcuing a perſon who had been apprehended making an affray before the playhouſe by two ſerjeants at mace, conſtables, &c. and alſo for aſſaulting the conſtables in the execution of their office.

Vide Burn's Juſtice. Stubbs' Crown Circuit Companion. Hale and Hawkins' Pleas of the Crown, title "Conſtables."

CHESHIRE, to wit. The jurors for our lord the king upon their oath preſent, that heretofore, to wit, on, &c. in the twenty-ſeventh year of the reign of our ſovereign lord George the Third, at the borough of M. in the county of C. a certain ſudden affray aroſe and happened between one A. B. (the priſoner), late of, &c. and one C. D. (the door-keeper of the playhouſe), late of, &c. and in ſuch affray the ſaid A. B. then and there, with force and arms, &c. and in diſturbance of the peace of our ſaid lord the king, did unlawfully, and with great force and violence, caſt, fling, and throw a certain great ſtone at, towards, and againſt the ſaid C. D. and then and there, with the ſaid ſtone, did knock down the ſaid C. D. to and upon the ground, to his great bodily harm, and the danger of his life: And the jurors aforeſaid, upon their oath, do further preſent, that (the ſerjeants naming them) then and there, and from thence continually at and after the committing the ſeveral crimes and offences hereafter mentioned (being reſpectively conſtables at and for, and lawfully aſſigned to keep the peace of our ſaid lord the king within the ſaid borough), being then and there preſent, and ſeeing and obſerving, upon their own view, the ſaid affray, and the ſaid A. B. ſo then and there, with force and arms, &c. breaking and diſturbing the peace, and throwing the ſaid ſtone, and miſbehaving himſelf in manner aforeſaid, they the ſaid conſtables naming them), according to the duty of their ſaid office as ſuch conſtables of our ſaid lord the king in and for the ſaid borough, did then and there immediately arreſt and take the ſaid A. B. in order to put an end to the ſaid affray, and to prevent and reſtrain him the ſaid A. B. from committing any further breach of the peace, and to ſecure him until he ſhould be carried and conveyed before ſome of his majeſty's juſtices of the peace in and for the ſaid borough to be dealt with according to law for his offence, and then and there had the ſaid A. B. in their cuſtody on that occaſion; whereupon one S. B. late of, &c. one T. H late of, &c. and divers other diſorderly perſons and diſturbers of the peace of our ſaid lord the king, to the number of twenty and more (to the jurors aforeſaid as yet unknown), with force and arms, &c. at, &c. unlawfully, riotouſly, and tumultuouſly aſſembled and gathered together, and being perſons

of turbulent tempers, and of unruly and ungovernable dispositions, and not regarding the laws of this realm, nor fearing the pains and penalties therein contained, and unlawfully and wickedly devising and intending to prevent, hinder, and obstruct the due course of law and justice, and to rescue him the said A. B. from and out of the custody of the said constables (then and there being in the due execution of their office as such constables as aforesaid, and in the peace of God and our said lord the king), did then and there, with force and arms, &c. unlawfully, riotously, and tumultuously make an affray, and assaulted the said constables, and then and there beat, bruised, wounded, and ill-treated them so that their lives were greatly despaired of; and that the said S. B. and T. H. together with the said other disorderly persons, disturbers of the peace of our said lord the king (to the jurors aforesaid as yet unknown), being then and there so assembled and gathered together, with force and arms, &c. him the said A. B. out of the custody and power of the said constables, and against their wills, then and there unlawfully, riotously, and tumultuously, did rescue and set at large to go unpunished for his said offence wheresoever he would, and that the said A. B. being so arrested and taken by the said constables as aforesaid, himself out of the custody and power of the said constables, then and there unlawfully, riotously, and tumultuously did rescue, and did escape and go at large unpunished for his said offence wheresoever he would, to the great damage of the said constables, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, &c. (2d Count, for a riot and assault upon the constables. 3d Count, for an assault by the two first rioters upon the constables in the execution of their office. 4th Count, for a common assault on the constables in their private capacity.) T. BARROW.

As to the validity of this indictment, laid for an assault on two, see 2. Ld. Ray. 1572. and S. C. 2. Stra. 870. where on an indictment for an assault and battery by defendant on J. S. and J. N. and not guilty pleaded, and verdict for the king, judgment was arrested, for that the batteries are distinct offences, and therefore ought to have been the subject of two indictments. *Sed vide* 1. Salk. 384. Queen and Ingram et Uxor. Here being a Count for a rescue, which is one entire and individual offence, it is good to maintain the indictment, because the court who assess the fine will do it on the facts well laid, contrary to the law in a civil action, where entire damages are given on the whole declaration, and some of the Counts bad.

Record and indictment for a rescue after the prisoner had been taken under a warrant of a justice of the peace, and for an assault upon the officer.

MIDDLESEX, to wit. Some time ago, that is to say, on Tuesday, the tenth day of May, in the twenty-fifth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. at the general session of the peace holden in and for the county of Middlesex, at the session house for the said county, before D. W. J. B. J. L. and G. A. and other their fellow justices of our said lord the king assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdeeds committed

committed in the ſaid county, by the oaths of twelve jurors, good and lawful men of the county aforeſaid, now ſworn and charged to enquire for our ſaid lord the king for the body of the ſame county, it was preſented in manner and form following, that is to ſay: Middleſex, to wit. The jurors for our lord the king upon their oath preſent, that on, &c. in the twenty-fifth year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. J. H. eſquire, then one of the juſtices of the ſaid lord the king aſſigned to keep the peace in and for the city of Coventry and county of the ſame name, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdeeds committed within the ſame, at the city of C. aforeſaid, *did* make a certain warrant, under his hand and ſeal, directed to all conſtables and other peace officers of the ſame county, and eſpecially to C. B. for that purpoſe, thereby requiring them, upon ſight thereof, to take and bring before him the ſaid J. H. ſo being ſuch juſtice as aforeſaid, or ſome other of his majeſty's juſtices of the peace for the ſaid city and county, the body of W. S. late of, &c. to anſwer to ſuch matter and things as on his majeſty's behalf ſhould be objected againſt him by J. G. of, &c. eſpecially for detaining, and on ſtrong ſuſpicion of embezzling, or having wilfully diſpoſed of a quantity of unwrought ſilk intruſted and delivered to him to manufacture and work up for the uſe of Meſſrs. S. and Co. ſilk maſters and manufacturers in that city; which ſaid warrant afterwards, to wit, on, &c. at, &c. was delivered to the ſaid C. H. to be executed in due form of law: *And* the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that before the execution of the ſaid warrant, to wit, on, &c. the ſaid W. S. did go into and reſide and be in a certain place out of the ſaid city of C. and county of the ſame city, to wit, at the pariſh of St. L. Shoreditch, in the county of Middleſex: *and* thereupon, and upon proof upon oath of the hand-writing of the ſaid J. H. to the ſaid warrant, to wit, on, &c. at, &c. J. S. eſquire, then and ſtill being one of the juſtices of the ſaid lord the king aſſigned to keep the peace of our ſaid lord the king in and for the county of Middleſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdeeds committed in the ſame county, did then and there make a certain indorſement on the aforeſaid warrant, with his name thereunto ſubſcribed, and did then and there direct the ſame to all conſtables and other his majeſty's officers of the peace whom the ſame might concern; and by ſuch warrant and indorſement, the ſaid J. S. ſo being ſuch juſtice in and for the ſaid county of Middleſex, did order and direct the aforeſaid warrant ſhould be executed within the ſaid county, due proof on oath of the hand-writing of the within magiſtrate (meaning the ſaid J. H.) having that day been made before him the ſaid J. S. and then and there delivered the ſaid warrant ſo indorſed, to the ſaid C. B. to be executed according to law; *by virtue* of which ſaid warrant and indorſement the ſaid C. B. afterwards, to wit, on, &c. at, &c. did take and arreſt the ſaid W. S. according to the command of the ſaid warrant, and then and there had the ſaid W. S. in his lawful care and cuſtody, by virtue

Set forth the indictment.

The warrant.

That the perſon left the county of C. for Middleſex;

and thereupon the warrant was backed,

by virtue of which he was taken.

of the ſaid warrant and indorſement; and the ſaid W. S. being ſo arreſted, and in the care and cuſtody of the ſaid C. B. as aforeſaid, the ſaid W. S. late of, &c. and J. K. late of, &c. afterwards, to wit, on, &c. with force and arms, &c. at, &c. did make an aſſault on the ſaid C. B. then and there being in the peace of God and our ſaid lord the king, and then and there lawfully having the ſaid W. S. in his care and cuſtody as aforeſaid, and him the ſaid C. B. did then and there beat, bruiſe, and ill-treat, ſo that his life was greatly deſpaired of, and him the ſaid W. S. out of the cuſtody, and againſt the will of the ſaid C. B. then and there did reſcue and ſet at large whether he would go; and the ſaid W. S. himſelf out of the cuſtody and againſt the will of the ſaid C. B. then and there, with force and arms, &c. unlawfully did reſcue and eſcape at large whether he would go, in contempt of our ſaid lord the king and his laws, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid W. S. and J. K. afterwards, to wit, on, &c. at, &c. with force and arms, &c. did make an aſſault upon the ſaid C. B. then and there being in the peace of God and our ſaid lord the king, and him the ſaid C. B. then and there did beat, bruiſe, wound, and ill treat, ſo that his life was greatly deſpaired of, and then and there did other wrongs to the ſaid C. B. to the great damage of the ſaid C. B. and againſt the peace of our ſaid lord the king, his crown and dignity; which ſaid indictment our ſaid lord the king afterwards, for certain reaſons, cauſed to be brought before him to be determined according to the laws and cuſtoms of England: wherefore the ſheriff of the ſaid county of Middleſex is commanded, that he do not forbear by reaſon of any liberty in his bailiwick, but that he cauſe to come to anſwer before our ſaid lord the king touching and concerning the premiſes aforeſaid: *and now*, that is to ſay, on next after , in this ſame term, before our ſaid lord the king at Weſtminſter, cometh the ſaid J. K. by A. B. his attorney; and having heard the ſaid indictment read he ſaith, that he is not guilty thereof: and thereupon he putteth himſelf upon the country; *and* J. T. eſquire, coroner and attorney of our ſaid lord the king in the court of our ſaid lord the king before the king himſelf, who for our ſaid lord the king in this behalf proſecuteth, doth the like: *therefore* let a jury thereupon come before our ſaid lord the king in fifteen days of Saint Martin, wherefoever he ſhall then be in England, by whom the truth of the matter may be the better known, and who are not of the kindred of the ſaid J. K. to try upon their oath whether the ſaid J. K. be guilty of the premiſes aforeſaid or not, becauſe as well the ſaid J. T. eſquire, who proſecuteth for our ſaid lord the king in this behalf, as the ſaid J. K. have put themſelves upon the ſaid jury: *the ſame* day is given as well to the ſaid J. T. eſquire, who proſecuteth for our ſaid lord the king in this behalf as to the ſaid J. K.: *at* which time, to wit, in fifteen days from the day of Saint Martin aforeſaid, before our ſaid lord the king at Weſtminſter, come as well the ſaid J. T. eſquire, who proſecuteth for

2d Count. Common aſſault

Indictment removed to B. R.

Plea, not guilty.

The king's coroner adds the *ſimiliter*.

Award of *venire*.

The ſame day given to the parties,

at which time the parties come.

for our ſaid lord the king in this behalf, as the ſaid J. K. by his attorney aforeſaid; *and* the ſheriff of the ſaid county of Middleſex hath returned the names of twelve jurors, none of whom come to try in form aforeſaid: *therefore* the ſheriff of the ſaid county of Middleſex is commanded that he do not forbear by reaſon of any liberty in his bailiwick that he diſtrain the bodies of the jurors aforeſaid by all their lands and chattels in his bailiwick, ſo that they, nor any one of them, do put their hands to the ſame until he ſhall have another command from our ſaid lord the king for that purpoſe; and that he anſwer to our ſaid lord the king for the iſſues thereof, ſo that he may have their bodies before our ſaid lord the king on the octave of Saint Hilary, wherefoever he ſhall then be in England, or before our right truſty and well-beloved of our ſaid lord the king William earl of Mansfield, chief juſtice of our ſaid lord the king aſſigned to hold pleas before the king himſelf, if he ſhall come before that time, that is to ſay, on Tueſday next after the end of the term, at Weſtminſter, in the county of Middleſex, in the great hall of pleas there, according to the form of the ſtatute in ſuch caſe made and provided, to try upon their oath whether the ſaid J. K. be guilty of the premiſes aforeſaid or not, in default of the jurors aforeſaid, who came not to try in form aforeſaid: therefore let the ſheriff of the ſaid county of Middleſex have the bodies of the jurors aforeſaid accordingly, to try in form aforeſaid; the ſame day is given as well to the ſaid J. T. eſquire, who proſecuteth for our ſaid lord the king in this behalf, as to the ſaid J. R.

The jurors come.

Diſtringas iſſue.

Niſi prius.

SUSSEX, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that F. S. the younger, late of, &c. J. K. late of, &c. and J. M. late of, &c. on, &c. in the twenty-ſixth year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. with force and arms, &c. at, &c. in, &c. did unlawfully, riotouſly, and tumultuouſly aſſemble and gather together, to diſturb the peace of our ſaid lord the king, and being ſo aſſembled and gathered together, did then and there unlawfully, riotouſly, tumultuouſly, violently, and outrageouſly make a great noiſe, diſturbance, and affray near to and about the dwelling-houſe of one J. S. there ſituate, and did unlawfully, &c. ſtay and continue near to and about the ſaid dwelling-houſe of the ſaid J. S. making ſuch their noiſe, diſturbance, and affray for a long ſpace of time, to wit, for the ſpace of two hours, and during that time there did unlawfully, &c. ſhoot off a certain gun, loaded with gunpowder and leaden ſhot, at and againſt the ſaid dwelling-houſe, and through certain windows parcel thereof; and thereby then and there not only greatly terrified and alarmed the ſaid J. S. and his family, and diſturbed and diſquieted them in the peaceable and quiet poſſeſſion, uſe, and occupation of the ſaid dwelling-houſe, but alſo then and there broke to pieces, ſhattered, and damaged the glaſs, to wit, twenty panes of glaſs, of a large value then and there affixed, and belonging to the ſaid windows, and then and there, with loud and horrid oaths and imprecations, unlawfully, &c. menaced and threatened the ſaid J. S. to ſhoot him through the body, and

Indictment againſt three for a riot before the houſe of A. B. and ſhooting off a loaded gun through his windows, and threatening to ſhoot him.

other wrongs to the ſaid J. S. then and there unlawfully, &c. did, to the great damage of him the ſaid J. S. and againſt the peace of our lord the now king, his crown and dignity.

Drawn by Mr. Tidd.

Indictment for aſſaulting the collector of a rate aſſeſſed for paving the ſtreets, and his ſervant, and reſcuing goods diſtrained for the ſaid rate.

MIDDLESEX. The jurors for our lord the king upon their oath do preſent, that on the day of , in the year of the reign of our ſovereign lord, &c. at, &c. in, &c. J. L. then being collector of a rate or aſſeſſment then lately before duly made, laid, and aſſeſſed by nine of the commiſſioners for putting in execution a cartain act of parliament made and paſſed in the year of the reign of our ſaid lord the king, intitled, "An Act for opening "certain Paſſages, and for paving the ſtreets and other places in, "&c. and for preventing Annoyances therein," upon all and every perſon and perſons inhabiting, holding, or occupying any land, houſe, ſhop, warehouſe, cellars, vaults, or other tenements, within the ſtreets or lands comprized in the ſaid act, did lawfully diſtrain four pewter diſhes, of the goods and chattels of one W. G. then and long before being an inhabitant and an occupier of a certain houſe ſituate, in, &c. in order to make ſale thereof, by virtue of the ſaid act to levy the ſum of pounds rated and aſſeſſed upon the ſaid W. G. in and by the aforeſaid rate or aſſeſſment (he the ſaid W. G. then neglecting, refuſing, and omitting, and having neglected, refuſed, and omitted to pay the ſaid ſum of pounds, at which he had been ſo rated and aſſeſſed, for the ſpace of ten days after the demand thereof in writing, left by the ſaid J. L. at the dwelling-houſe and place of abode of the ſaid W. J. in, &c.): And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid W. J. late of, &c. in, &c. well knowing the premiſes, but diſregarding the ſaid act of parliament and authority of the ſame, and endeavouring, as much as in him lay, to evade and fruſtrate the ſame, and to hinder the due execution thereof by the ſaid J. L. and to prevent his collecting and levying the aforeſaid rate and aſſeſſment, afterwards, to wit, on, &c. in, &c. with force and arms, at, &c. did make an aſſault upon the ſaid J. L. the collector aforeſaid, then and there being in the peace of God and our ſaid lord the king, and in the due execution of his ſaid office, and then and there lawfully having the care, charge, poſſeſſion, and cuſtody of the ſaid goods and chattels ſo diſtrained as aforeſaid, and him the ſaid J. L. did then and there beat and treat ſo ill, and the ſaid four pewter diſhes did then and there forcibly, unlawfully, and injuriouſly reſcue, take, and carry away from and out of the care, charge, cuſtody, and poſſeſſion of the ſaid J. L. the ſaid ſum of pounds, or any part thereof, then and there not being paid and ſatisfied, and other wrongs to the ſaid J. L. then and there did, to the great damage of the ſaid J. L. in contempt of our ſaid lord the king and his laws, and to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid ſovereign lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid,

aforesaid, further present, that said W. J. on, &c. in, &c. with force and arms, at, &c. in, &c. did make an assault upon the said J. L. then and there being in the peace of God and our said lord the king, and then and there did beat and ill treat the said J. L. and then and there did other wrongs to the said J. L. to the great damage of the said J. L. and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, further present, that the said W. J. afterwards, to wit, on, &c. with force and arms, at, &c. did make an assault upon one E. O. then and there being the servant of the said J. L. and in the peace of God and our said lord the king, and then and there did beat and ill treat the said E. O. and then and there did other wrongs to the said E. O. to the great damage of the said E. O. and against the peace of our said lord the king, his crown and dignity.

2d Count. Assault on the servant.

THE Jurors, &c. that defendants, on the fifth day of September, in the seventh year of his present majesty, with force and arms, at Steyning, in the county of Sussex, did unlawfully, riotously, routously, and tumultuously assemble and meet together, to disturb the peace, &c. being so unlawfully, riotously, routously, and tumultuously met together, with force and arms did break and enter the shop of one Joseph French at S. aforesaid, and did then, in the said shop, unlawfully and against the will of the said Joseph, with force and arms, stay and continue in the said shop for a long time, to wit, for the space of four hours, and then and there unlawfully did seize and take into their custody and possession the goods and chattels of the said Joseph, to wit, one deal press, one working-board, one cupboard, one elbow-chair, four other chairs, three irons to hang perukes upon, one iron candle crane, two wig-stands, seven wig-blocks, four wooden boxes, six bandboxes, one pair of brass scales and four brass weights, one powder-box, one hone, one tin hone-pan, three pewter basons, one pewter water-pot, three razors, six razor-cases, six pair of scissars, six combs, one pair of snuffers, two cards for carding and drawing of hair, five brushes, seven new perukes, seventeen other perukes, twelve other perukes, ten pounds of hair prepared for making of perukes, three pounds weight of other hair, ten yards of ribbon for making of perukes, one pound weight of thread, one thousand curling-pipes, four wooden shelves, four soap-dishes, and another pewter soap-dish, the goods and chattels of the said Joseph, of the value of fifty pounds, then and there found in the said shop, which said defendants did take, throw, and remove from and out of the said shop, and did throw, put, and lay, and throw and lay down the same into the public street and king's highway, there in the parish, &c. aforesaid, and in so doing did unlawfully break, tear, rend, daub, damage, and spoil the said goods and chattels, and other wrongs did, to the great damage of the said Joseph, and against the peace, &c.: that

Indictment for riotously entering plaintiff's house and shop, and throwing shop-goods into the street.

that defendant, on the ſaid fifth day of September, in the year aforeſaid, in the pariſh and county aforeſaid, did unlawfully meet together, and being ſo met ſaid defendant with force and arms, &c. did break and enter the ſaid ſhop of the ſaid Joſeph, and did ſtay and continue therein for the ſpace of four hours, during all which time making a great noiſe, and diſturbed the ſaid Joſeph in his quiet poſſeſſion, and other wrongs did, to the great damage of the ſaid Joſeph, and againſt the peace, &c.; that defendant on the ſaid fifth of September, in the year aforeſaid, in the pariſh and county aforeſaid, did unlawfully, &c. break and enter the ſhop of the ſaid Joſeph, and with force, &c. did ſtay and continue therein other four hours, without the licence and againſt the will of the ſaid Joſeph, and then and there did ſeize and take in their cuſtody the goods and chattels of the ſaid Joſeph, that is to ſay, one other deal preſs, &c. (naming the goods over again) of the value of other fifty pounds, and did take, throw, and remove, &c. the ſaid goods and chattels laſt-mentioned from the ſaid ſhop, which with ſo doing with force, &c. did then and there greatly break, tear, rend, daub, damage, and ſpoil, to the great damage of the ſaid Joſeph, and againſt the peace, &c.; that defendants, on the ſaid fifth of September, in the year aforeſaid, in the pariſh and county aforeſaid, did break and enter the ſhop of the ſaid Joſeph with force, &c. and without the licence and againſt the will of the ſaid Joſeph did ſtay and continue four hours then next following, and other wrongs did to the ſaid Joſeph, to the great damage of the ſaid Joſeph, and againſt the peace, &c.

Indictment for riot and pulling down fences.

WORCESTERSHIRE. The jurors for our ſovereign lord the king upon their oath preſent, that Edward Clarke, late of the pariſh of Ipſley, in the county of Warwick, cordwainer, James Scar, late of the pariſh of Tardebigg, in the county of Worceſter, needlemaker, John Strain, late of the ſame, bricklayer, Edward Hurſt, late of the ſame, bricklayer, John Wilkinſon, late of the ſame, needlemaker, William Alſop, late of the ſame, needlemaker, Richard Lewis, late of the ſame, needlemaker, Joſeph Smith, late of the ſame, cordwainer, Richard Wilks, late of the ſame, needlemaker, James Pitts, late of the ſame, needlemaker, and John Seal, late of the pariſh of Feokenham, in the county of Worceſter, beſom-maker, together with divers others ill-diſpoſed perſons, to the number of one hundred to the jurors aforeſaid yet unknown, on the twenty-ſecond day of April, in the twelfth year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. with force and arms, at the pariſh of Tardebigg, in the ſaid county of Worceſter, then and there unlawfully, riotouſly, and routouſly did aſſemble and gather together with intent to diſturb the peace of our ſaid the lord the king; and being ſo then and there unlawfully, riotouſly, and routouſly aſſembled and gathered together, with axes, ſaws, and other offenſive weapons, then and there unlawfully, riotouſly, routouſly, and tumultuouſly did re-

main

main and continue for a long ſpace of time, to wit, three hours and more, and did then and there with force and arms unlawfully, riotouſly, and routouſly pull down, cut in pieces, proſtrate, break, and deſtroy divers wooden poſts, rails, and fences, to wit, five hundred wooden poſts, fifty wooden gates, five hundred yards of wooden railing, and five hundred yards of fences, then and there ſet up and erected for the encloſing of certain lands without the pariſh of Tardibigg aforeſaid, in the county aforeſaid, and other enormities then and there unlawfully, riotouſly, and routouſly did to the great damage of the ſeveral proprietors of the aforeſaid poſts, gates, rails, and fences, and to the great terror and diſturbance of divers of his majeſty's ſubjects thereabouts inhabiting and dwelling, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Edward Clark, James, Scar, John Strain, Edward Hurſt, John Wilkinſon, William Alſop, Richard Lewis, Joſeph Smith, Richard Wilks, James Pitts, John Seal, together with divers other evil diſpoſed perſons, to the number of one hundred, to the jurors at preſent unknown, on the day and year aforeſaid, at Tardibigg aforeſaid, in the county of Worceſter aforeſaid, with force and arms unlawfully, riotouſly, and routouſly did aſſemble and gather together with intent to diſturb the peace of our ſaid lord the king; and being ſo then and there unlawfully, riotouſly, routouſly, and tumultuouſly, aſſembled and gathered together, did remain and continue together, ſo unlawfully, riotouſly, and routouſly aſſembled, for a long ſpace of time, to wit, for the ſpace of three hours and more, and did then and there unlawfully, riotouſly, routouſly, and tumultuouſly, commit divers and many enormities, to the great terror and diſturbance of divers of his majeſty's ſubjects thereabouts inhabiting and dwelling, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

J. COWPER.

Indictment for aſſaulting a headborough and reſcuing a perſon in his cuſtody.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath preſent, that R. H. late of, &c. in, &c. J. N. late of, &c. in, &c. and R. A. late of, &c. on, &c. in the year of the reign of our ſovereign lord the now king, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon one A. B. then and there in the peace of God and our ſaid lord the king, and being one of the headboroughs of the pariſh of in the county of , and in the due execution of his ſaid office, and lawfully having the ſaid J. N. in his cuſtody, did make an aſſault, and him the ſaid A. B. and then and there, to wit, at the pariſh aforeſaid, did beat, bruiſe, wound, and ill treat, ſo that his life was greatly deſpaired of; and the ſaid R. H. and R. A. him the ſaid J. N. on the ſaid day of , in

in the ſaid year, with force and arms, at the ſaid pariſh of , out of the cuſtody of the ſaid A. B. and againſt his will, did then and there reſcue and ſet at large whither he would go, and the ſaid J. N. himſelf out of the cuſtody of the ſaid A. B. and againſt the will of the ſaid A. B. then and there, with force and arms, did reſcue and eſcape at large whither he would go, in contempt of our ſaid lord the king and his laws, to the evil example of all others, and againſt the peace of our ſaid lord the king, his crown and dignity: *And* the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid R. H. J. N. and R. A. afterwards, to wit, on, &c. with force and arms, &c. at, &c. in, &c. in and upon the ſaid A. B. then and there being in the peace of God and our ſaid lord the king, and one of the headboroughs of the pariſh of aforeſaid, in the county aforeſaid, and in the due execution of his ſaid office, upon him the ſaid A. B. did make an aſſault, and him the ſaid A. B. did then and there beat, bruiſe, wound, and ill treat, ſo that his life was greatly deſpaired of, and other wrongs did to him the ſaid A. B. then at the pariſh laſt-aforeſaid, did, to the great damage of the ſaid A. B. and againſt the peace of our ſaid lord the king, his crown and dignity: *And* the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid R. H. J. N. and R. A. afterwards, to wit, on &c. with force and arms, at, &c. in and upon the ſaid A. B. in the peace of God and our ſaid lord the king then and there being, did make an aſſault, and him the ſaid A. B. then and there did beat, bruiſe, wound and ill-treat, ſo that his life was thereby greatly deſpaired of, and other wrongs to the ſaid A. B. then and there did, to the great damage of the ſaid A. B. and againſt the peace of our ſaid lord the now king, his crown and dignity.

Indictment against a perſon for aſſaulting the bailiff, and reſcuing goods which he had diſtrained for the rent of a *lodger*.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath preſent, that on the day of , in the year of the reign of our ſovereign lord the king, and continually afterwards, until the day of , in the year of the reign of our ſaid lord the king, one J. D. did hold of one J. M. a certain lodging room, being part and parcel of a certain meſſuage, ſituate in the pariſh of , in the county of , by demiſe from the ſaid J. M. at and under the rent of , by the year, payable quarterly; and that on the ſaid day of , in the year aforeſaid, the ſum of pounds, for one year's rent of the ſaid room, ended on the ſaid day of , in the year aforeſaid, became and was due and in arrear from the ſaid J. D. to the ſaid J. M.; whereupon on the day of , in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, the ſaid J. M. in due form of law, did take, ſeize, and diſtrain divers goods and chattels of the ſaid J. D. hereinafter ſpecified and ſet forth, to the value of pounds, for the ſaid ſum of pounds, for rent as aforeſaid, ſo as aforeſaid due and in arrear; and

and that one A. B. was by the ſaid J. M. on the ſaid day of , in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, put in poſſeſſion of the ſaid goods and chattels, which ſaid goods and chattels ſo as aforeſaid taken, ſeized, and diſtrained, were as follows, to wit, one bed, &c. &c.: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that one J. C. late of, &c. in, &c. together with divers other malefactors, to the jurors aforeſaid as yet unknown, on, &c. with force and arms, &c. at, &c. in and upon the ſaid A. B. in the peace of God and our ſaid lord the king then and there being, did make an aſſault, and the ſaid goods and chattels ſo as aforeſaid for the cauſe aforeſaid taken, ſeized, and diſtrained, and then and there being in the cuſtody and poſſeſſion of the ſaid A. B. from and out of the cuſtody and poſſeſſion and againſt the will of the ſaid A. B. unlawfully and injuriouſly did reſcue; and the ſaid A. B. from and out of the cuſtody and poſſeſſion of the ſaid goods and chattels then and there with force and arms at the pariſh aforeſaid, in the county aforeſaid, unlawfully, unjuſtly, and againſt the will of the ſaid A. B. did force and drive away, the ſaid ſum of pounds ſo due for rent as aforeſaid, or any part thereof, not being then paid or ſatisfied to the ſaid J. M. and other wrongs to the ſaid J. M. and A. B. then and there did, to the great damage of the ſaid J. M. and A. B. and againſt the peace of our ſaid lord the king, his crown and dignity: AND the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid J. C. together with divers other malefactors to the jurors aforeſaid as yet unknown, on the ſaid day of , with force and arms, at the pariſh aforeſaid, in and upon the ſaid A. B. in the peace of God and our ſaid lord the king then and there being, did make an aſſault, and of the goods and chattels of the ſaid J. D. then lately before, to wit, on the ſame day and year above-mentioned, duly and lawfully taken, ſeized, and diſtrained by the ſaid J. M. for the ſum of forty ſhillings, then due from the ſaid J. D. to the ſaid J. M. for rent in arrear (the ſame goods and chattels then being in the cuſtody and poſſeſſion of the ſaid A. B.), from and out of the poſſeſſion and againſt the will of the ſaid A. B. then and there, with force and arms, unlawfully and injuriouſly did reſcue, and the ſaid A. B. from and out of the cuſtody and poſſeſſion of the ſaid goods and chattels then and there, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully, injuriouſly, and againſt the will of the ſaid A. B. did force and drive away, the ſum of forty ſhillings ſo due for rent as aforeſaid, or any part thereof, not being then paid and ſatisfied to the ſaid J. M. to the great damage of the ſaid J. M. and againſt the peace of our ſaid lord the king, his crown and dignity.

CHALLENGING TO FIGHT.

Indictment for a perſonal challenge to fight a duel.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath preſent, that P. B. late of, &c. in the county of Middleſex,

in the ſaid year, with force and arms, at the ſaid pariſh of ; out of the cuſtody of the ſaid A. B. and againſt his will, did then and there reſcue and ſet at large whither he would go, and the ſaid J. N. himſelf out of the cuſtody of the ſaid A. B. and againſt the will of the ſaid A. B. then and there, with force and arms, did reſcue and eſcape at large whither he would go, in contempt of our ſaid lord the king and his laws, to the evil example of all others, and againſt the peace of our ſaid lord the king, his crown and dignity: *And* the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid R. H. J. N. and R. A. afterwards, to wit, on, &c. with force and arms, &c. at, &c. in, &c. in and upon the ſaid A. B. then and there being in the peace of God and our ſaid lord the king, and one of the headboroughs of the pariſh of aforeſaid, in the county aforeſaid, and in the due execution of his ſaid office, upon him the ſaid A. B. did make an aſſault, and him the ſaid A. B. did then and there beat, bruiſe, wound, and ill treat, ſo that his life was greatly deſpaired of, and other wrongs did to him the ſaid A. B. then at the pariſh laſt-aforeſaid, did, to the great damage of the ſaid A. B. and againſt the peace of our ſaid lord the king, his crown and dignity: *And* the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid R. H. J. N. and R. A. afterwards, to wit, on &c. with force and arms, at, &c. in and upon the ſaid A. B. in the peace of God and our ſaid lord the king then and there being, did make an aſſault, and him the ſaid A. B. then and there did beat, bruiſe, wound and ill-treat, ſo that his life was thereby greatly deſpaired of, and other wrongs to the ſaid A. B. then and there did, to the great damage of the ſaid A. B. and againſt the peace of our ſaid lord the now king, his crown and dignity.

Indictment against a perſon for aſſaulting the bailiff, and reſcuing goods which he had diſtrained for the rent of a *lodger*.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath preſent, that on the day of , in the year of the reign of our ſovereign lord the king, and continually afterwards, until the day of , in the year of the reign of our ſaid lord the king, one J. D. did hold of one J. M. a certain lodging room, being part and parcel of a certain meſſuage, ſituate in the pariſh of , in the county of , by demiſe from the ſaid J. M. at and under the rent of , by the year, payable quarterly; and that on the ſaid day of , in the year aforeſaid, the ſum of pounds, for one year's rent of the ſaid room, ended on the ſaid day of , in the year aforeſaid, became and was due and in arrear from the ſaid J. D. to the ſaid J. M.; whereupon on the day of , in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, the ſaid J. M. in due form of law, did take, ſeize, and diſtrain divers goods and chattels of the ſaid J. D. hereinafter ſpecified and ſet forth, to the value of pounds, for the ſaid ſum of pounds, for rent as aforeſaid, ſo as aforeſaid due and in arrear; and

and that one A. B. was by the ſaid J. M. on the ſaid day of , in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, put in poſſeſſion of the ſaid goods and chattels, which ſaid goods and chattels ſo as aforeſaid taken, ſeized, and diſtrained, were as follows, to wit, one bed, &c. &c.: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that one J. C. late of, &c. in, &c. together with divers other malefactors, to the jurors aforeſaid as yet unknown, on, &c. with force and arms, &c. at, &c. in and upon the ſaid A. B. in the peace of God and our ſaid lord the king then and there being, did make an aſſault, and the ſaid goods and chattels ſo as aforeſaid for the cauſe aforeſaid taken, ſeized, and diſtrained, and then and there being in the cuſtody and poſſeſſion of the ſaid A. B. from and out of the cuſtody and poſſeſſion and againſt the will of the ſaid A. B. unlawfully and injuriouſly did reſcue; and the ſaid A. B. from and out of the cuſtody and poſſeſſion of the ſaid goods and chattels then and there with force and arms at the pariſh aforeſaid, in the county aforeſaid, unlawfully, unjuſtly, and againſt the will of the ſaid A. B. did force and drive away, the ſaid ſum of pounds ſo due for rent as aforeſaid, or any part thereof, not being then paid or ſatisfied to the ſaid J. M. and other wrongs to the ſaid J. M. and A. B. then and there did, to the great damage of the ſaid J. M. and A. B. and againſt the peace of our ſaid lord the king, his crown and dignity: AND the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid J. C. together with divers other malefactors to the jurors aforeſaid as yet unknown, on the ſaid day of , with force and arms, at the pariſh aforeſaid, in and upon the ſaid A. B. in the peace of God and our ſaid lord the king then and there being, did make an aſſault, and of the goods and chattels of the ſaid J. D. then lately before, to wit, on the ſame day and year above-mentioned, duly and lawfully taken, ſeized, and diſtrained by the ſaid J. M. for the ſum of forty ſhillings, then due from the ſaid J. D. to the ſaid J. M. for rent in arrear (the ſame goods and chattels then being in the cuſtody and poſſeſſion of the ſaid A. B.), from and out of the poſſeſſion and againſt the will of the ſaid A. B. then and there, with force and arms, unlawfully and injuriouſly did reſcue, and the ſaid A. B. from and out of the cuſtody and poſſeſſion of the ſaid goods and chattels then and there, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, unlawfully, injuriouſly, and againſt the will of the ſaid A. B. did force and drive away, the ſum of forty ſhillings ſo due for rent as aforeſaid, or any part thereof, not being then paid and ſatisfied to the ſaid J. M. to the great damage of the ſaid J. M. and againſt the peace of our ſaid lord the king, his crown and dignity.

CHALLENGING TO FIGHT.

Indictment for a perſonal challenge to fight a duel.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath preſent, that P. B. late of, &c. in the county of Middleſex,

Middlesex, esquire, being a person of an evil mind, and of a turbulent and quarrelsome temper and disposition, and not having any regard for the laws of this realm, most unlawfully, wickedly, and unjustly, and out of malice aforethought devising, contriving, and intending, not only to vex, injure, hurt, disquiet, and terrify G. S. of the parish of, &c. in the county of Middlesex, aforesaid, esquire, being a person of good name, fame, character, credit, and reputation, and of a quiet and peaceable temper and disposition, but also to expose the said G. S. to scandal, shame, and reproach, and to cause, instigate, incite, and provoke the said G. S. to fight a duel with him the said P. B. and thereby to cause the said G. S. to break the peace of our said lord the king, he the said P. B. in order to complete, perfect, and bring to effect his most unlawful and wicked purposes aforesaid, upon the eighth day of March, in the twenty-second year of the reign of our said present sovereign lord George the Third, by the grace of God of Great Britain, &c. with force and arms, at the parish of Saint George's Hanover-square aforesaid, in the county aforesaid, did unlawfully, wickedly, wilfully, maliciously, and openly, and in the presence and hearing of him the said G. S. and without any just cause or provocation whatsoever, but of his malice aforethought, and in a threatening, challenging, and provocative manner tell him the said G. S. that he (meaning the said P. B.) had been told *by Mr. Macnamara (meaning one J. M. of the parish of Saint George Hanover-square, in the county of Middlesex)* that he (meaning the said G. S.) had taken great liberties with the character of him the said P. B. *and upon the said G. S. then and there assuring the said P. B. that such information was not true, he the said P. B. did then and there in a threatening, challenging, and provocative manner as aforesaid, further tell him the said G. S. that he (meaning the said G. S.) must come before the said Mr. M. (again meaning the said J. M.) to contradict it, but on the said G. S. then and there refusing so to do, the said P. B. did then and there in a threatening, challenging, and provocative manner as aforesaid, further tell him the said G. S.* that he (meaning himself the said P. B.) would expect personal satisfaction from him (meaning the said G. S.) *as soon as the other two affairs of a serious nature, which he (meaning the said G. S.) had then on his hands, were settled (meaning and alluding to two different challenges to fight duels which had been thentofore unlawfully and maliciously sent to the said G. S. by one W. S. and the said J. M.)* with a design and intention to instigate, incite, move, and provoke the said G. S. to fight a duel with him the said P. B. as aforesaid, and thereby to cause the said G. S. to break the peace of our said lord the king as aforesaid, and other mischiefs upon him the said G. S. he the said P. B. did then and there with force and arms unlawfully and maliciously bring to the great damage, scandal, and disgrace of him the said G. S. in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and also

alſo againſt the peace of our ſaid lord the king, his crown and dignity: *And* the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid P. B. being a perſon of, &c. and not having any regard for the laws of this realm, moſt unlawfully, wickedly, and unjuſtly, and out of his malice aforethought deviſing, contriving, and intending (as much as in him the ſaid P. B. lay) further to diſturb, diſquiet, and moleſt the ſaid G. S. being ſuch perſon of good name, &c. and a man of a quiet and peaceable temper and diſpoſition as aforeſaid, and alſo further to expoſe the ſaid G. S. to ſcandal, ſhame, and reproach, and to cauſe, inſtigate, move, provoke, and incite the ſaid G. S. to fight a duel with him the ſad P. B. and thereby to cauſe him the ſaid G. S. to break the peace of our ſaid lord the king as aforeſaid, he the ſaid P. B. in order to complete, perfect, and bring to effect his ſaid moſt unlawful and wicked purpoſes, afterwards, that is to ſay, upon the ſaid eighth day of March, in the ſaid twenty-ſecond year of our ſaid the lord the now king, with force and arms, at the pariſh of Saint George's, Hanover-ſquare aforeſaid, in the county of Middleſex aforeſaid, did again wickedly, unlawfully, openly, and maliciouſly, by and in the preſence and hearing of him the ſaid G. S. and without any juſt cauſe or provocation whatſoever, but of his malice aforethought, and in a threatening, challenging, and provocative manner, ſpeaking to him the ſaid G. S. with theſe threatening and provocative words following, that is to ſay, I (meaning himſelf the ſaid P. B.) have been told, &c. &c. (ſame as in 1ſt Count) with a deſign and intention to inſtigate, incite, move, and provoke the ſaid G. S. to fight a duel with him the ſaid P. B. as aforeſaid, and thereby to cauſe the ſaid G. S. to break the peace of our ſaid the king as aforeſaid, and other miſchiefs upon him the ſaid G. S. he the ſaid P. B. did then and there with force and arms unlawfully and maliciouſly bring, to the great damage, ſcandal, and diſgrace of him the ſaid G. S. in contempt, &c. (3d and 4th Counts like the 1ſt and 2d. omitting the parts in Italic,) did again wickedly, unlawfully, openly, and maliciouſly, and in the preſence and hearing of him the ſaid G. S. and without any juſt cauſe or provocation whatſoever challenge, and as in much as in him the ſaid P. B. lay, endeavour to move, incite, inſtigate, and provoke him the ſaid G. S. to fight a duel with him the ſaid P. B. and thereby to cauſe him the ſaid G. S. to break the peace of our ſaid lord the king as aforeſaid, and other miſchiefs upon him the ſaid G. S. did then and there bring to the great damage, &c. of him the ſaid G. S. in contempt, &c. &c.

5th Count.

MIDDLESEX. The jurors, &c. that George Stacpoole, late of, &c. eſquire, being a perſon of quarrelſome and turbulent temper and diſpoſition, and a diſturber of the peace of our ſaid lord the king, on, &c. in the twenty-ſecond year of the reign, &c.

Indictment for ſending a challenge about money loſt at a game called paſs dice.

2d Count.

&c. with force and arms, at, &c. in, &c. unlawfully and maliciouſly did challenge John Macnamara, eſquire, a peaceable ſubject of our ſaid lord the king, to fight him the ſaid J. M. upon account of money then and there won by the ſaid J. M. of the ſaid G. S. by then and there playing at dice with the ſaid G. S. at a certain game called paſs dice, to the great damage of the ſaid J. M. in contempt, &c. and againſt the peace, &c. and alſo againſt the form of the ſtatute, &c.; that the ſaid G. S. being ſuch perſon as aforeſaid, afterwards, that is to ſay, on, &c. in the twenty-ſecond, &c. with force and arms at, &c. in, &c. unlawfully and maliciouſly did provoke the ſaid J. M. to fight him the ſaid G. S. on account of money then and there won by the ſaid J. M. of the ſaid G. S. by then and there playing at dice with the ſaid G. S. at a certain game called paſs dice, to the great damage of, &c. in contempt, &c. and againſt the peace, &c. and alſo againſt the form, &c.; that the ſaid G. S. being ſuch perſon as aforeſaid, afterwards, that is to ſay, on, &c. in the twenty-ſecond, &c. with force and arms, to wit, with ſwords and other offenſive weapons, at, &c. in, &c. did make an aſſault upon the ſaid J. M. in the peace of God and our ſaid lord the king, then and there being, and then and there did beat the ſaid J. M. on account of money then and there won of him the ſaid G. S. by then and there playing with this ſaid G. S. at dice *at a certain game called paſs dice*, to the great damage, &c. (as before): that the ſaid G. S. being ſuch perſon as aforeſaid, afterwards, that is to ſay, on, &c. with force and arms, at, &c. in, &c. unlawfully and maliciouſly did challenge the ſaid J. M. to fight him the ſaid G. S. upon account of money then and there won by the ſaid J. M. of the ſaid G. S. to the great damage, &c. &c. (as before): that the ſaid G. S. being ſuch perſon as aforeſaid, afterwards, that is to ſay, on, &c. in the twenty-ſecond year, &c. with force and arms, at, &c. in, &c. unlawfully and maliciouſly did provoke the ſaid J. M. to fight him the ſaid J. M. upon account of money then and there won by the ſaid J. M. of the ſaid G. S. by then and there playing with the ſaid G. S. at dice, to the great damage, &c. (as before.) (6th Count like the 3d. omitting the words in Italic,—"at a certain game called paſs dice."

By ſtatute 9. Anne, c. 14. "for preventing ſuch quarrels as ſhall and may happen on account of gaming," it is enacted, "that in caſe any perſon or perſons whatſoever ſhall aſſault and beat, or challenge or provoke to fight any other perſon or perſons whatſoever upon account of any money won by gaming, playing, or betting at any of the games aforeſaid, ſuch perſon and perſons aſſaulting and beating, challenging, or provoking to fight ſuch other perſon or perſons upon the account aforeſaid, ſhall, being thereof convicted upon an indictment or information to be exhibited againſt him or them for that purpoſe, forfeit to her majeſty, her heirs, and ſucceſſors, all his goods and chattels and perſonal eſtate whatſoever, and ſhall alſo ſuffer impriſonment, without bail or mainprize, in the common gaol of the county, where ſuch conviction ſhall be had, during the term of two years."

COMPOUND-

COMPOUNDING PENAL ACTIONS.

Indictment against a common informer for compounding a penalty under a penal law after issue joined.

LONDON, ſſ. The jurors for our ſovereign lord the now king upon their oath preſent, that heretofore, to wit, on Thurſday next, after, &c. in Michaelmas term, in the eighteenth year of the reign of our lord the now king, W. A. S. late of as well for our ſaid lord the king as for himſelf, impleaded one J. K. in the court of our ſaid lord the king, before the king himſelf (the ſaid court then and ſtill being held at Weſtminſter), in a certain plea, to wit, a plea of debt on demand for four thouſand five hundred and one pounds ſixteen ſhillings of lawful money of Great Britain, that is to ſay, as due and owing from the ſaid J. K. to our ſaid lord the king, and the ſaid W. A. S. to the damage of the ſaid W. A. S. who ſued as aforeſaid, of twenty pounds, of and for the committing the ſeveral offences ſurmiſed to have been committed by the ſaid J. K. againſt a certain penal law, to wit, a certain act of parliament made in the parliament of our ſovereign lord the now king, at a ſeſſion thereof holden at Weſtminſter, in the county of Middleſex, on the twenty-ſixth of October, in the ſixteenth year of his reign, entituled, an act (ſet forth title verbatim) in this, that after the making of the ſaid act (ſet forth the different offences as charged in the declaration in the original action): And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid J. K. afterwards, to wit, in that ſame Michaelmas term, in the eighteenth year aforeſaid, in the ſaid court of our lord the now king, before the king himſelf (the ſaid court then and ſtill being held at Weſtminſter, in the ſaid county of Middleſex aforeſaid), anſwered to the ſaid W. A. S. who ſued as aforeſaid in the ſaid plea, by pleading that he the ſaid J. K. did not owe to, &c. (ſet forth plea and joinder of iſſue): And the ſaid plea was at the time of the committing of the offence hereafter mentioned, depending and undetermined in the ſaid court of our lord the king, before the king himſelf (the ſaid court then and ſtill being held at Weſtminſter, in the ſaid county of Middleſex), to wit, at London aforeſaid, in, &c.: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that after the ſaid J. K. had anſwered the ſaid W. A. S. who ſued as aforeſaid, in the plea aforeſaid, and after iſſue joined therein between the parties aforeſaid, and whilſt the ſaid plea was depending and undetermined in the ſaid court of our lord the king, before the king himſelf, and before taking of this inquiſition, to wit, on the twenty-fourth day of July, in the eighteenth year aforeſaid, that is to ſay, at London aforeſaid, in, &c. aforeſaid, he the ſaid W. A. S. did unlawfully without proceſs of law, and without the order or conſent of the ſaid court of our ſaid lord the king, before the king himſelf, and whilſt the ſaid plea was ſo depending as aforeſaid (the ſaid court then and ſtill being held at Weſtminſter, in the county of Middleſex), make compoſition with the ſaid J. K. and take that is for himſelf, of and from the ſaid J. K. a certain ſum of money, to wit, the ſum of *one hundred and ſeventy-*

seventy-five pounds of lawful money of Great Britain, upon colour and pretence that he the said J. K. had committed the several identical offences herein-before mentioned to have been surmised to have been commited by the said J. K. against the aforesaid penal law, and for which he the said W. A. S. impleaded the said J. K. as aforesaid, to wit, at L. aforesaid, in, &c. in contempt of our said lord the king and his laws, and to the evil example of all others in the like case offending, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity, &c.

2d Count. Make composition, &c. and take bank notes, to wit, certain notes in writing, commonly called bank notes, for the payment of divers sums of money, in the whole amounting to a large sum of money, to wit, the sum of, &c. of lawful, &c. by the governor and company of the Bank of England, said notes then and there being of a large value, to wit, of the value of one hundred and seventy-five pounds of like lawful money; for the offence for

3d & 4th Counts which W. A. S. was prepared to give evidence.

T. BARROW.

Indictment for *compounding* a *qui tam* action, without leave of court, founded *on the glove act*, for selling gloves without a stamp, being duly licenced.

MIDDLESEX, to wit. The jurors for our lord the king upon their oath present, that after the first day of August, A.D. 1785, to wit, on, &c. A.D. 1788, at the parish of, &c. in the county of Middlesex, A. B. being then and there a retail dealer of gloves, duly licenced in manner in and by the statute in that case made, provided and prescribed, did utter and sell by retail to a certain person (to the jurors aforesaid as yet unknown) one pair of leather gloves above the price and value of ten-pence, and not exceeding the price or value of one shilling and two-pence, for which the said pair of gloves so uttered and sold by retail, there was charged and payable unto and for the use of his majesty, a stamp duty of two-pence, in pursuance of the statute in that case made and provided, without the stamp ticket by the said statute in that case made and provided, directed to be affixed to such gloves, being affixed to the same, and marked and stamped as by the statute in that case made and provided is directed, contrary to the form of the said statute; whereby, and by force of the statute in that case made and provided, the said A. B. forfeited and became liable to pay for such pair of gloves so uttered and sold the sum of twenty pounds, to be recovered as by the statute in that case made and provided is directed, and to be applied, if sued for within the space of six calendar months from the time of such penalty being incurred, one moiety thereof to his majesty, and the other moiety thereof to the person or persons who should inform and sue for the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the said first day of August, A.D. 1785, to wit, on, &c. at, &c. in, &c. the said A.B. being then and there such retail dealer in gloves as aforesaid, did utter and sell by retail to a certain other person to the jurors aforesaid unknown, one

one pair of leather mittens, exceeding the price or value of one shilling and four-pence, to wit, of the price and value of one shilling and eight-pence, for which said pair of mittens so uttered and sold by retail, there was charged and payable unto and for the use of his majesty a stamp duty of three-pence, in pursuance, &c. &c. (as before, say "mittens," instead of "gloves.") And the jurors aforesaid, upon their oath aforesaid, do further present, that after the committing the said several offences, and before the said penalties, or either of them, had been recovered, and within the space of six calendar months from the time of the said penalties being incurred, to wit, on, &c. at, &c. W. K. late of, &c. in, &c. labourer, well knowing the premises, and not regarding the statute in that case made and provided, nor fearing the penalties therein contained, upon colour and pretence of the said several matters of offence against the penal law in that case made and provided, committed by the said A. B. as aforesaid; and without process unlawfully did take, accept, and receive of and from the said A. B. a promise of a certain reward for the use of himself the said W. K. to wit, a certain note in writing, commonly called a promissory note, made by the said A. B. and delivered to the said W. K. and bearing date the said twenty-third day of, &c. by which said note the said A. B. seven days after the date, promised to pay to the said W. K. by the name and description of Mr. W. K. or his order, the sum of eight pounds, for value received; and the said W. K. did thereby then and there, to wit, at the parish of, &c. make composition with the said A. B. for the said several offences so committed by the said A. B. against the penal statute, and did wholly desist and abstain from any prosecution of and for the said offences, and every of them; which said composition so done as aforesaid was then and there, to wit, at the parish of, &c. so done without the order or consent of any of his majesty's courts at Westminster, and without any lawful authority whatsoever, in contempt of our said lord the king and his laws, to the great hindrance and obstruction of justice, to the evil example of all others in the like case offending, contrary to the true intent and meaning of the statute in that case made and provided, and against the peace of our lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. not regarding the statute in that case made and provided, nor fearing the pains and penalties therein contained, afterwards, and after the committing of the several offences above mentioned by the said A. B. and within six calendar months from the time of the said penalties being incurred, to wit, on, &c. at, &c. he the said W. K. without process, upon colour and pretence of the said several matters of offence committed by the said A. B. according to the form of the statute in that case made and provided as aforesaid, unlawfully did take, accept, and receive of and from the said A. B. a certain sum of money, to wit, the sum of eight pounds of lawful money of Great Britain, for himself the said W. K. without the order or

consent of any of his majesty's courts at Westminster, and without any lawful authority whatsoever, in contempt of, &c. contrary to, &c. and against the peace of, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that after the first day of, &c. to wit, on, &c. at, &c. in, &c. the said A. B. being then and there such retail dealer in gloves as aforesaid, did utter and sell by retail to a certain person (to the jurors aforesaid as yet unknown), one pair of leather gloves above the value and price of ten-pence, and not exceeding the price or value of one shilling and four-pence, to wit, of the price or value of other one shilling and two-pence, for which said last mentioned pair of gloves so uttered and sold by retail as aforesaid, there was charged and payable unto, &c. in pursuance of, &c. which said last-mentioned gloves then and there, to wit, at, &c. a certain stamp ticket affixed thereto, marked and stamped with a certain mark or stamp of less denomination and value, than by the statute in that case made and provided is directed, to wit, of the denomination and value of one penny, and no more; contrary to the form of, &c. whereby and by force of the statute in that case and provided, the said A. B. forfeited and became liable to pay for such pair of gloves so uttered and sold, the sum of twenty pounds, to be recovered, as, &c. within the space of, &c. one moiety, &c. who should inform and sue for the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the said first day of, &c. to wit, on, &c. the said A. B. being then and there such retail dealer of gloves as aforesaid, did utter, &c. to a certain other person, to the jurors aforesaid as yet unknown, one other pair of leather mittens exceeding the price, &c. &c. (same as the last; only, instead of "gloves," say "mittins.") And the jurors aforesaid, upon their oath aforesaid, do further present, that after the committing the said several offences last mentioned, and before the said last mentioned several penalties, or either of them, had been recovered, and within the space of six calendar months, from the time of the said penalties being incurred, to wit, on, &c. at, &c. the said W. K. well knowing the premises, but not regarding, &c. nor fearing, &c. upon colour and pretence of the said last-mentioned matters of offence against the penal law in that case made and provided, committed by the said A. B. as last aforesaid, and without process, unlawfully did take, accept, and receive of and from the said A. B. a promise of a certain other reward for the use of himself the said W. K. to wit, a certain note in writing, commonly called, &c. And the said William Kelly thereby did then and there, to wit, at the parish of, &c. make composition with the said A. B. for the said several offences committed by the said A. B. against the penal statute in that case made and provided as last aforesaid, and did wholly desist and abstain from any prosecution of and for the said last-mentioned offences, and every of them; which said compounding, so done as last aforesaid, was then and there, to wit, at the parish of, &c. so done without the order or consent of, &c. and without any law-

ful

ful authority whatsoever, in contempt of, &c. to the great hindrance, &c. and against the peace of, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. not regarding, &c. nor fearing, &c. afterwards, and after the committing the several offences last above mentioned by the said A. B. and within six calendar months from the time of the said penalties being incurred, to wit, on, &c. at, &c. in, &c. he the said W. K. without process, upon colour and pretence that the said matters of offence committed by the said A. B. against the penal law in that case made and provided, unlawfully did take, accept, and receive of and from the said A. B. a certain sum of money, to wit, the sum of eight pounds of like lawful money, for himself the said W. K. without the order, &c. and without any lawful authority whatsoever, in contempt of, &c. and against the peace of, &c. &c.

W. LOWNDES.

Indictment for *compounding* a *qui tam* action, without leave of court, upon the *5th Eliz. ch.* 5. for selling Lisbon wine, contrary to the statute.

MIDDLESEX, to wit. The jurors for our lord the king, upon their oath present, that heretofore, and after the fifth day of July, which was A. D. 1757, to wit, on, &c. A. D. 1787, at the parish of, &c. in the county of Middlesex, one J. R. then and there not being a person authorised and enabled so to do in the manner in and by the statute in that case made and provided, prescribed, did sell and utter by retail, that is to say by retail measure, in a less quantity than was equal to the measure of the cask or vessel in which the same might lawfully be imported, a certain kind of wine called Lisbon wine, contrary to the form of the statute in that case made and provided, whereby, and by force of the same statute, the said J. R. had forfeited and become liable to pay to our lord the now king, and to him who should inform for the same for his said offence, the sum of one hundred pounds, to be recovered in the manner as by the statute in that case made and provided is directed and to be applied, one moiety thereof to the use of our said lord the king, and the other moiety to him or them who should inform for the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the committing the said offence, and before the said penalty or any part thereof had been recovered, and whilst the same was due in arrear, and unpaid, to wit, on, &c. A. D. 1788, at, &c. in, &c. W. K. late of, &c. in, &c. &c. labourer, as well for our said lord the king as for himself, the said W. K. in that behalf sued and prosecuted out of the court of the said lord the king, before the king himself, at Westminster, in the said county of Middlesex, a certain precept of our said lord the king, called a bill of Middlesex against the said J. R. by which said precept the sheriff of Middlesex was commanded to take the said J. R. and John Doe, if they shall be found in his bailiwick, and that he should keep them so, that he might have their bodies before our said lord the king, at Westminster, on next after , to answer to the said W. K. who

ſued as well for our ſaid lord the king as for himſelf, in a plea of debt; and that he then ſhould have there that precept, which ſaid precept was ſo ſued and proſecuted with intent that the ſaid J. R. might be by virtue thereof compelled to appear at the return of the ſaid precept in the ſaid court of our ſaid lord the king, before the king himſelf, at Weſtminſter aforeſaid, at the ſuit of the ſaid W. K. who ſues as aforeſaid, and to file common bail in the ſaid court at the ſuit of the ſaid W. K. who ſues as aforeſaid, with intent that upon appearance and filing common bail as aforeſaid, the ſaid W. K. might as well for our ſaid lord the king as for himſelf, exhibit his bill againſt the ſaid J. R. in the ſaid court, in a plea of debt for the recovery of the ſaid one hundred pounds forfeited for the ſaid offence: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid W. K. well knowing the premiſes, and not regarding the ſtatute in that caſe made and provided, and not fearing the penalties therein contained, and after the ſuing out the ſaid precept, and whilſt the ſaid ſuit ſo proſecuted as aforeſaid was depending in the ſaid court of our ſaid lord the king, before the king himſelf, and before anſwer made in court thereto, and before any judgment was had, obtained, and given in the ſaid ſuit, that is to ſay, on, &c. at, &c. in, &c. he the ſaid W. K. by colour and pretence of the ſaid precept and proceſs ſo ſued and proſecuted out of the court of, &c. and of the ſaid matter of offence againſt the penal law in that caſe made and provided, unlawfully did take, accept, and receive of and from the ſaid J. R. the ſum of three pounds thirteen ſhillings and ſix-pence of lawful money of Great Britain; and the ſaid W. K. did thereby then and there make compoſition with the ſaid J. R. for the ſaid offence ſo committed by the ſaid J. R. againſt the ſtatute in that caſe made and provided, and did wholly deſiſt and abſtain from any further proſecuting the ſaid ſuit; which ſaid compounding, ſo done as aforeſaid, was then and there ſo done without the order or conſent of the ſaid court of our ſaid lord the king, before the king himſelf, in which ſaid court the ſaid ſuit was then depending, and without the order or conſent of any other of his majeſty's courts at Weſtminſter, and without any legal authority whatſoever, in contempt of our ſaid lord the king and his laws, to the great hindrance and obſtruction of public juſtice, to the evil example of all others in the like caſe offending, contrary to the true intent and meaning of the ſtatute in that caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid W. K. having ſued and proſecuted the ſaid precept out of the ſaid court of, &c. and not regarding, &c. nor fearing, &c. and whilſt the ſaid ſuit ſo proſecuted as aforeſaid was depending in the ſaid court, and before anſwer made in court thereto, and before any judgment was had, obtained, and given in the ſame ſuit, that is to ſay, on, &c. at, &c. in, &c. he the ſaid W. K. by colour and pretence of the ſaid precept and proceſs ſo ſued and proſecuted out of the ſaid court, and of the ſaid matter of offence againſt the penal law in that caſe

made and provided, unlawfully did take, accept, and receive of and from the ſaid J. R. the ſum of two pounds twelve ſhillings and ſix-pence, of lawful money of Great Britain; and the ſaid W. K. thereby did then and there make compoſition with the ſaid J. R. for the ſaid offence ſo committed by the ſaid J. R. againſt the ſtatute in that caſe made and provided, and did wholly deſiſt and abſtain from any further proſecuting the ſaid ſuit; which ſaid compounding, ſo done as aforeſaid, was then and there ſo done without, &c. in which ſaid court the ſaid ſuit was, &c. and without the order or conſent of any other of, &c. in contempt of, &c. &c. and againſt the peace of, &c. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that heretofore, to wit, on, &c. the ſaid W. K. as well for, &c. ſued and proſecuted out of the court of, &c. a certain other precept of our ſaid lord the king, called a bill of Middleſex, againſt the ſaid J. R. by which ſaid laſt precept the ſheriff of Middleſex was commanded to take the ſaid J. R. and John Doe, if they ſhould be found in his bailiwick, and that he ſhould keep them ſafely ſo that he might have their bodies before our ſaid lord the king at Weſtminſter, on, &c. next after, &c. to anſwer the ſaid W. K. who ſued as well for our, &c. in a plea of debt, and that he ſhould then have there that precept, which ſaid laſt-mentioned precept was ſo ſued and proſecuted with intent that the ſaid J. R. might be by virtue thereof compelled to appear at the return of the ſaid laſt-mentioned precept in the ſaid court of, &c. at Weſtminſter aforeſaid, at the ſuit of the ſaid W. K. who ſues as aforeſaid, and to affile common bail in the ſame court at the ſuit of the ſaid W. K. who ſues as aforeſaid, and with intent that upon appearance and filing common bail as laſt aforeſaid, the ſaid W. K. might as well for our ſaid lord the king as for himſelf, proceed in the ſaid ſuit againſt the ſaid J. R. according to the courſe and practice of the ſaid court, for the recovery of a certain penalty and ſum of one hundred pounds, alledged to be forfeited by the ſaid J. R. for a certain ſurmiſed offence pretended to be committed by the ſaid J. R. for ſelling wine by retail, without being authorized and enabled ſo to do in the manner in the ſtatute in that caſe made and provided, contrary to the form of the ſtatute in that caſe made and provided: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid W. K. well knowing the premiſes, and not regarding the ſtatute in that caſe made and provided, nor fearing the penalties therein contained, afterwards, and after the ſuing out of the ſaid laſt mentioned proceſs, and before the return thereof, that is to ſay, on, &c. at, &c. in, &c. he the ſaid W. K. by colour and pretence of the ſaid laſt-mentioned proceſs, and by ſurmiſe of the ſaid laſt mentioned ſuppoſed matter of offence againſt the penal law in that caſe made and provided, unlawfully did take, accept, and receive of and from the ſaid J. R. the ſum of three pounds thirteen ſhillings and ſixpence of like lawful money; and the ſaid W. K. thereby did then and there make compoſition with the ſaid J. R. for the ſaid ſurmiſed offence ſo pretended to be committed by the ſaid J. R.

against the penal law in that case made and provided, and did wholly desist and abstain from any further prosecution of and upon the said last-mentioned process, which said last-mentioned composition so done as aforesaid was then and there so done without the order or consent of any of his majesty's courts at Westminster, and without any lawful authority whatsoever, in contempt of, &c. to the great hindrance, &c. and against the peace of, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. having sued and prosecuted the said last-mentioned process out of the said court of, &c. and not regarding, &c. nor fearing, &c. afterwards, and after suing out the said last-mentioned process, and before the return thereof, that is to say, on, &c. at, &c. in, &c. he the said W. K. by colour and pretence of the said last-mentioned process, and by surmise of the said last-mentioned supposed matter of offence against the penal law in that case made and provided, unlawfully did take, accept, and receive of and from the said J. R. the sum of other two pounds twelve shillings and six-pence of like lawful money; and the said W. K. thereby did then and there make composition with the said J. R. for the said surmised, &c. &c. (as in last Count, to the end.)—And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. having caused the said last-mentioned process to be issued against the said J. R. and not regarding, &c. nor fearing, &c. afterwards, that is to say, on, &c. at, &c. in, &c. did unlawfully, by colour and pretence of the said last-mentioned process, take, accept, and receive of and from the said J. R. the sum of three pounds thirteen shillings and six-pence of like lawful money, without the order or consent of, &c. in contempt of, &c. &c. and against the peace of, &c. &c. And the jurors aforesaid, upon, &c. do, &c. (same as last Count, only for two pounds twelve shillings and six-pence.)

T. BARROW.

OPINIONS.

The apparently unwarrantable length of this indictment, may perhaps be thought to require of me my reasons for making it so long.

The 18th Eliz. c. 5. (upon which it is founded) creates three several offences, viz. 1. where there has been an actual offence against any penal laws, for the penalty arising upon which the party indicted has compounded. 2. where an offence is only surmised, and process taken out upon that, and under colour and pretence thereof the penalty compounded for. And, 3d. where the compoundment has been for a penalty on an offence real or surmised without process. This latter, if the case had not been sufficiently clear, is regularly divisible into two heads, to wit, first a compounding for a penalty on an actual offence; and, secondly, a surmised offence, without process; but there seems no occasion for it

The act likewise makes a distinction between recovering the composition money to the compounder's own use, and to the use of himself and others; and as others are certainly concerned in the offence with W. K. though unknown to us, this has given occasion for another set of counts.

Another fact arising upon the transaction itself viz. receiving 3l. 13s. 6d. and returning 1l. 1s. is the reason why I have added other counts on each particular taking, as it might give rise to a question at the trial, whether the actual taking

taking was of 3l. 13s. 6d. or 2l. 12s. 6d.

THO. BARROW, 22 Oct. 1788.

I am of opinion there is no occasion for more than the 1st, 2d, 3d, 7th, 8th, and 9th counts. It is proper to distinguish between the sums, as advised by Mr. Barrow, and also as to the real and supposed offence: But the person who receives the composition is made liable, whether he receives it to his own use or to the use of others. His receipt is *prima facie* evidence that he received it to his own use, which he cannot repel by shewing he received it for the use of another; both and each rendering him subject to this indictment. It is therefore not necessary to state to whose use he received it, consequently not necessary to multiply counts for the introduction of that distinction. The 3d and 9th counts I have made the foundation of general counts, as I conceive it to be an offence, under colour of such process, to take money without order of courts, without adding any circumstances relative to the cause of action, further than it is on a penal statute.

W. LOWNDES.

Indictment charging a rape, for which the person was taken into custody, but that defendants compounded the felony with the woman, and caused the person to escape.

TOWN AND COUNTY OF THE TOWN OF SOUTHAMPTON, *ss.* The jurors for our sovereign lord the king upon their oath present, that before the day of taking this inquisition, to wit, on, &c. in the eighteenth year of the reign of our sovereign, &c. now king of Great Britain, &c. C. B. late of, &c. and B. B. late of, &c. with force and arms, at, &c. in, &c. in and upon Winifreda Warne, late of, &c. in the peace of God and our lord the king, then and there being, did make an assault on the said W. W. against her will, he the said C. B. then and there feloniously did ravish and carnally knew her against the form of the statute in such case made and provided: And the jurors aforesaid, on their oath aforesaid, do further present, that the said B. B. did make an assault on the said W. W. against her will, then and there feloniously did ravish and carnally knew her, against the form of, &c. and thereupon the said W. W. afterwards, to wit, on, &c. at, &c. made complaint on oath to R. B. esquire, then and still being one of the justices of our said lord the king assigned to keep the peace of our said lord the king in and for the said town and county and liberties of the same, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said town and county and liberties of the same, touching and concerning the several felonies and rapes aforesaid; and thereupon the said R. B. so being such justice as aforesaid, did then and there make and grant his certain warrant under his hand and seal for the apprehending, taking, and bringing the said C. B. and B. B. before him the said justice to be dealt with according to law, touching and concerning the rapes and felonies aforesaid: And the jurors aforesaid, on their oath aforesaid, do further present, that afterwards, to wit, on, &c. at, &c. the said C. B. was under and by virtue of the said warrant taken and arrested by his body for the felony and rape charged to have been by him committed as aforesaid, and was then and there carried and conveyed in custody before the said R. B. so being such justice as aforesaid, and was then and there examined by and before the said justice touching and concerning the rape aforesaid; and thereupon the said R. B. so being such justice as aforesaid, did then and there make and grant a certain other

warrant under his hand and ſeal, directed to the keeper of priſon of the ſaid town and county, and thereby command e the ſaid keeper to receive into his cuſtody the body of the ſaid C. B. charged with the felony and rape laſt mentioned, and him ſafely keep until he ſhould be diſcharged by due courſe of law: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid W. W. intended and then was about to proſecute, prefer, and offer to the grand jury in and for the ſaid town and county of S. at the then next quarter ſeſſions of the peace of our lord the king in and for the ſaid town and county, a certain bill of indictment againſt the ſaid C. B. for the felony and rape ſo committed by the ſaid C. B. as aforeſaid: And the jurors aforeſaid, on their oath aforeſaid, do further preſent, that W. R. late of, &c. and W. S. late of, &c. well knowing the premiſes, and each of them well knowing the premiſes, but contriving and intending unlawfully and unjuſtly to prevent the due courſe of law in this behalf, and to cauſe and procure the ſaid C. B. for the felony and rape ſo by him committed as aforeſaid, to eſcape with impunity and without proſecution for the ſame, they the ſaid W. R. and W. S. afterwards, to wit, on, &c. at, &c. unlawfully and wickedly did take upon themſelves to cauſe and procure the felony and rape laſt aforeſaid, on the behalf of the ſaid C. B. to be compounded, and did then and there unlawfully and wickedly perſuade and procure the ſaid W. W. to accept and take, and the ſaid W. W. did then and there by reaſon of ſuch perſuaſion and procurement of the ſaid W. W. and W. S. receive, accept, and take certain money, that is to ſay, divers pieces of gold coin, to wit, two pieces of gold coin, called guineas, the ſame being then and there of the value of two pounds two ſhillings of lawful, &c. that is ſay, of and from the ſaid W. R. as and for a reward for compounding the felony and rape aforeſaid, to wit, the felony and rape ſo committed by the ſaid C. B. and for her deſiſting from the further proſecution of the ſaid C. B. for the rape and felony aforeſaid; and that the ſaid W. W. did in conſequence of ſuch perſuaſion and procurement of the ſaid W. R. and W. S. and of the premiſes aforeſaid, then and there, to wit, on, &c. at, &c. compound the felony and rape aforeſaid, and hath from thence hitherto deſiſted from the further proſecution of the ſaid C. B. for the ſame, to wit, at, &c. to the great hindrance of public juſtice, to the evil example of all others in the like caſe offending, in contempt of our ſaid lord the king and his laws, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors, &c. &c. (add a 2d Count, ſtating the rape to have been committed by C. B. ſingly; then a 3d Count, not charging the rapes or rape to have been actually committed, but reciting generally by way of inducement that W. W. made her complaint againſt the two men for rapes, the granting thewarrant, apprehenſion of C. B. and his commitment to priſon in conſequence of another warrant, and then the general concluſion following): And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the

2d Count.

3d Count.

the ſaid W. R. and W. S. well knowing the premiſes, and each of them well knowing the ſame, but contriving and intending unlawfully and unjuſtly to pervert the due courſe of law in this behalf, and to cauſe and procure the ſaid C. B. for the felony and rape laſt aforeſaid to eſcape with impunity, afterwards, to wit, on, &c. in, &c. at, &c. unlawfully and wickedly did take upon themſelves to procure and perſuade the ſaid W. W. on the behalf of the ſaid C. B. to compound the ſaid felony and rape laſt mentioned, and did then and there unlawfully and wickedly procure the ſaid W. W. to receive, accept, and take; and the ſaid W. W. did then and there by reaſon of ſuch perſuaſion and procurement of the ſaid W. R. and W. S. receive, accept, and take certain money, that is to ſay, divers pieces of gold coin, to wit, two pieces of gold coin called guineas, the ſame being then and there of the value of two pounds two ſhillings of lawful, &c. that is to ſay, of and from the ſaid W. R. as a reward for compounding the rape and felony committed by the ſaid C. B. as laſt aforeſaid, and deſiſting from all further proſecution againſt the the ſaid C. B. for the felony and rape laſt aforeſaid, at, &c. to the great hindrance of public juſtice, and to the evil example of all others in the like caſe offending, in contempt of our ſovereign lord the king and his laws, and againſt the peace of our lord the king, his crown and dignity.

J. MORGAN.

Indictment for compounding an information in the exchequer for not having the words upon the door of the houſe agreeable to the diſtillers act.

MIDDLESEX, *ſſ.* The jurors for our lord the now king upon their oath preſent, that heretofore, to wit, in Trinity Term, in the twenty-fourth year of the reign of, &c. a certain information in the name of his majeſty's then and now attorney-general, Rich. P. Arden, eſq. was exhibited for the recovery of a certain penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law relative to the exciſe of our ſaid lord the king, to wit, a certain act of parliament made at the parliament of our ſaid lord the king, begun and holden at Weſtminſter, in the county of Middleſex, the twenty-firſt day of October, A. D. 1780, and in the twenty-firſt year of his ſaid Majeſty's reign, intituled, "An act for the duties payable upon chocolate made in Great "Britain, and for granting certain inland duties upon cocoa "nuts in lieu thereof, for the better and more effectually ſe-"curing the revenue of exciſe, and of the inland duties under "the management of the commiſſioners of the exciſe, and for "preventing frauds therein; for the more punctual and ready "payment of the allowance to be made to brewers out of the ad-"ditional duties impoſed on malt; and for rectifying a miſtake "in an act made in this preſent ſeſſion parliament, with reſpect to "the exempting of candles from the additional duty of five pounds "*per centum* upon the duties of exciſe impoſed by the ſaid act:" It was upon the information and diſcovery of J. K. late of, &c. as informer in that behalf, given and made, exhibited, entered, and

filed

filed in his ſaid majeſty's court of exchequer at Weſtminſter aforeſaid, againſt one W. S. and one J. H. and which ſaid penalty of five hundred pounds was in and by the ſaid information ſo exhibited and filed as aforeſaid, alledged to have been forfeited by the ſaid W. S. and J. H. for a certain offence by the ſaid information ſurmiſed to have been committed by them the ſaid W. S. and J. H. againſt the aforeſaid penal and exciſe law, in this, to wit, that they the ſaid W. S. and J. H. being perſons who made, diſtilled, rectifyed, and compounded Britiſh made ſpirituous liquors for ſale, and who ſold and dealt in ſpirituous liquors on, &c. at, &c. did receive and buy for them, or for their uſe, a large quantity, to wit, twenty gallons of britiſh made ſpirituous liquors; being at the public ſales of ſuch britiſh made ſpirituous liquors as had been condemned, and were ſold under the direction of the commiſſioners of exciſe of the ſaid J. R. he the ſaid J. R. then and there being maker, diſtiller, rectifier, or compounder of ſpirituous liquors, over the outward door of whoſe ſtill-houſe, ſtore-houſe, warehouſe, ſhop, cellar, vault, or other place by him made uſe of, the making or keeping of britiſh made ſpirituous liquors, were there printed the words diſtiller, rectifier, or compounder of ſpirituous liquors as the ſtatute in ſuch caſe made and provided directs, contrary to the form of the ſtatute in that caſe made and provided: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that afterwards, to wit, on the morrow of All Souls, in the twenty-fourth year aforeſaid, in the ſaid court of exchequer at Weſtminſter aforeſaid, the ſaid W. S. and J. H. made anſwer, and pleaded to the ſaid information; and that after the (1) ſaid anſwer to the ſaid information, and whilſt the ſaid information was depending in the ſaid court of exchequer undetermined, and before the taking of this inquiſition, to wit, on, &c. in the twenty-fifth year, &c. that is to ſay, at, &c. he the ſaid J. R. ſo being *ſuch (2) informer and diſcoverer, in and upon the ſaid information as aforeſaid*, did unlawfully without proceſs, and without the leave or conſent of the ſaid court of exchequer, in which the ſaid information was ſo depending as aforeſaid, or of any other of his majeſty's courts at Weſtminſter, make compoſition and agree with the ſaid J. H. and did then and there on that occaſion, and for compounding and agreeing the ſaid information, taking for himſelf of and from the ſaid J. H. a certain ſum of money, to wit, the ſum of twenty pounds of lawful, &c. under colour and pretence of the ſaid offence (3) *hereinbefore mentioned to have been* ſurmiſed to have been committed by the ſaid W. S. and J. H. againſt the aforeſaid penal and exciſe law, and for which the ſaid information was ſo exhibited and filed as aforeſaid, to wit, at, &c. in contempt of our ſaid lord the king and his laws, to the evil example, &c. and againſt, &c.: And the jurors aforeſaid, upon their oth aforeſaid, do further preſent, that the ſaid J. R. heretofore, to wit, in Trinity term, in the twenty-fourth,

(1) "making of the"

(2) "the perſon ſuing for the ſaid laſt mentioned penalty of five hundred pounds as aforeſaid,"

(3) "in the ſaid laſt mentioned information ſpecified, and thereby"

2d Count.

fourth, &c. did enter and cause and procure to be entered and filed in his majesty's court of exchequer (the said court then and still being held at Westminster, in the county of Middlesex), in the name of his majesty's then and now attorney-general, R. P. A. esquire, a certain other information against the said W. S. and J. H. for the recovery of a certain penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law relative to the excise of our said lord the king, to wit, a certain act of parliament made at the parliament of our said lord the king, begun and holden at Westminster aforesaid, the twenty-first day of October, A. D. 1780, and in the twenty-first year of his said majesty's reign, intituled, an act, &c. (set out the title as in 1st Count) and which said last mentioned penalty of five hundred pounds was in and by the said last mentioned information surmised to have been committed by them the said W. S. and J. H. against the aforesaid penal or excise law in this, to wit, for that they, &c. (state the charge contained in the information as in 1st Count): And the jurors aforesaid, upon their oath aforesaid, 3d Count.
&c. &c. (go on same as 1st Count, omitting what is in Italic, and inserting what is in the margin): And the jurors aforesaid, 4th Count.
&c. do further present, that heretofore, to wit, in Trinity term, in the twenty-fourth year aforesaid, a certain other information in the name of his majesty's then and now attorney-general, R. P. A. esquire, for the recovery of a certain other penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law, &c. intituled, &c. (as before) was upon the information and discovery of the said J. R. as informer and discoverer in that behalf given and made, exhibited, entered, and filed in his said majesty's court of exchequer, at, &c. in, &c. against the said W. S. and J. H. and which said last mentioned penalty of five hundred pounds was in and by the said last mentioned information alledged to have been forfeited by them the said W. S. and J. H. or a certain other offence by the said last mentioned information surmised to have been committed by them the said W. S. and J. H. against the aforesaid penal and excise law, in this, to wit, for that they, &c. (state the charge contained in the information): And the jurors aforesaid, upon their oath aforesaid, &c. &c. 5th Count.
(5th Count same as the 1st count, only that he took for the use of himself and one F. C. a certain other sum of money, &c.): And 6th Count.
the jurors aforesaid, upon their oath aforesaid, do further present, that the said J. R. heretofore, to wit, in Trinity term, in the twenty-fourth year aforesaid, did enter and cause, and procure to be entered, &c. &c. (as in the 2d Count; only instead of saying "take for himself," say "take for himself, and for and to the use of himself and the aforesaid J. H. and F. C."): And the jurors 7th Count.
aforesaid, &c. do further present, that heretofore, to wit, in Trinity term, in the twenty-fourth, &c. a certain other information, in the name of, &c. for the recovery of a certain other penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law relative to the excise of our said lord the king,

to

to wit, a certain act of parliament made, &c. (as before, then say, he the said J. R. so being such informer and discoverer in and upon the said last mentioned information as aforesaid (together with the said J. H. and F. C. did unlawfully without process, and without the order and consent, &c. &c. finish this Count same as the 6th Count): And the jurors aforesaid, upon, &c. do, &c. that the said J. R. together with the aforesaid J. H. and F. C. heretofore, to wit, in Trinity term, in the twenty-fourth, &c. did enter, and cause and procure to be entered and filed in his majesty's court of exchequer (the said court, &c.) in the name of, &c. a certain other information against the said W. S. and J. H. for the recovery of a certain other penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law relative to the excise of our said lord the king, to wit, a certain act of parliament, &c. (as before) he the said J. R. and the aforesaid J. H. and F. C. so being the persons suing for the said last mentioned penalty of five hundred pounds as aforesaid, did unlawfully without process, &c. &c. (as before) in contempt, &c. to the evil example, &c. and against the peace, &c. &c.

8th Count.

V. LAWES.

CONSTABLES, HEADBOROUGHS, &c.

Indictment against a constable or headborough for not taking upon him the office, he being elected thereto in form under a custom.

MIDDLESEX. Be it remembered, that on Monday next, after the morrow of the Ascension of our Lord, in the twenty-eighth year of the reign of our sovereign lord George the Second, king of Great Britain, &c. in the court of our said lord the king, before the king himself at Westminster, in the county of Middlesex, upon the oath of twelve jurors, good and lawful men of the said county of Middlesex, and then and there being sworn and charged to enquire for our said lord the king and the body of the said county, it is presented as followeth, that is to say, Middlesex. The jurors of our sovereign lord the king upon their oath present, that our said sovereign lord the king and his ancestors, from the time whereof the memory of man is not to the contrary, have had and held, and have been accustomed to have and hold a court of view of frank pledge once in every year before the sheriff of the county of Middlesex for the time being, in the torn of the said sheriff of M. when made through the hundred of Ossulston in the county of Middlesex, within the month after Easter in every year; and at the same court, when holden, there now is, and from the time whereof the memory of man is not to the contrary, hath been a certain antient and laudable custom there used and approved of, to wit, that certain inhabitants and residents within the said hundred were then and there sworn to charge and enquire of and present those things that belonged to them in that court to present, which said jurors so sworn and charged do also at that court chuse and present, and during all the

the time aforesaid have chosen and presented, and have been used and accustomed and of right ought to chuse and present two proper persons of the inhabitants and residents of the parish of Saint George the Martyr, within the hundred aforesaid, in the county aforesaid, to be headboroughs within and for the said parish for the year then ensuing, and until other inhabitants and residents of the said parish have been and are chosen and sworn into the said office, for the preserving of the peace of our said lord the king, and for the apprehending of rogues, vagabonds, and other suspicious persons within the said parish, and for the doing of all other matters relating to the said office of headborough; and that from time immemorial aforesaid, there was and is an antient custom used and approved at the said court, that the said persons so chosen and presented should have notice given to them of such their said election, and be summoned to appear in the said court upon such notice and summons, and then and there take their corporal oath for the due execution of their said office and to execute the same: And the jurors aforesaid, now here sworn upon their oath aforesaid, further present, that at a court view of frank pledge of our said lord the king, holden before Samuel Fludyer, esquire, and John Samians, esquire, then and yet sheriffs of the county aforesaid, in the torn of the said sheriffs, through the hundred of Ossulston, in the county aforesaid, within the month after Easter, in the year of Our Lord 1755, to wit, on the first of April, in the twenty-eighth year of the reign of our sovereign lord George the Second, king of Great Britain, &c. to wit, at the parish of Saint Andrew's Holborn, within the hundred of Ossulston aforesaid, in the county aforesaid, William Gardener, William Burrowes (thirty in number), good and lawful men, inhabiting and residing within the hundred aforesaid, were then and there sworn and charged according to the custom of the said court to enquire of and present these things that belonged to them in that court to present; and the same jurors, at the said court so sworn and charged according to the custom of the said court, did chuse and present Michael Duffield, of the parish of Saint George the Martyr aforesaid, in the county aforesaid, yeoman, then being one of the inhabitants and resiants within the same last-mentioned parish, to be one of the headboroughs within and for the said last-mentioned parish, and to execute that office for the year then ensuing, and until another inhabitant and resiant of the said parish last-mentioned should be chosen and sworn into that office in the place and stead of the said M. D. for the preserving of the peace of our said lord the king, and for the apprehending of rogues, vagabonds, and other suspicious persons within the same parish, and for doing and performing of all matters relating to the said office of headborough (he the said M. D. then and there long before and ever since being an inhabitant and resiant within the same parish, and a fit and proper person to execute the said office as aforesaid); and that he the said M. D. after his being so chosen into the said office, to wit, on the same first day of April, in the twenty-

twenty-eighth year aforesaid, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, had notice thereof, and by a certain summons in writing was required personally to be and appear in the said court on the said first day of April, in the twenty-eighth year aforesaid, and then and there take his corporal oath for the due execution of the said office, and to execute the same, which summons afterwards, to wit, on the same first day of April, in the year aforesaid, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, was delivered to and left with the said M. D.; nevertheless the said M. D. little regarding his duty in this behalf, but intending and endeavouring the due execution of this said office totally to neglect and omit, after his being so chosen into the said office, and after such notice and summons as aforesaid, to wit, on the said first day of April, in the twenty-eighth year aforesaid, did obstinately refuse to appear in the said court, and to take upon himself the said office, and to take the oath for the execution thereof, and he the said M. D. voluntarily, unlawfully, obstinately, and contemptuously hath hitherto refused and still doth refuse to be sworn into and execute the same office, to wit, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, to the great hindrance and delay of justice, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors now here charged and sworn upon their oath aforesaid, further present, that our said sovereign lord the king and his ancestors, from the time whereof the memory of man is not to the contrary, have had and held, and have been accustomed to have and hold a certain court, called a *court leet*, once in every year, in the town of the sheriff of the county of Middlesex for the time being, when made through the hundred of Ossulston in the same county, and which said court leet hath been used and accustomed to have been holden in the Workhouse of the parish of Saint Andrew Holborn, in the county aforesaid, *on Tuesday in the week of Easter* in every year, before the steward of the said court for the time being; and at the said last-mentioned court, when holden, there now is, and from time whereof, &c. there hath been a certain antient and laudable custom there used and approved, to wit, that certain of the inhabitants and resiants within the said hundred, and then and there sworn and charged to enquire of and present those things that belonged to them to present in that last-mentioned court, which said jurors so sworn and charged do also at that last-mentioned court chuse and present, and during all the time aforesaid have chosen and presented, and have been used and accustomed and of right ought to chuse and present two proper persons of the inhabitants and resiants of Saint George the Martyr, within the hundred aforesaid, in the county aforesaid, to be headboroughs within and for the said parish last-mentioned for the year then ensuing, and until other inhabitants and resiants of the said last-mentioned parish have been and are chosen and

2d Count, court leet.

sworn

ſworn into the ſaid office, for the preſerving the peace of our ſaid lord the king, and for the apprehending of rogues, vagabonds, and other ſuſpicious perſons within the ſaid pariſh, and for the doing and performing of all other matters relating to the ſaid office of headborough; and that from time immemorial aforeſaid there was and is an antient cuſtom, uſed and approved at the ſaid laſt-mentioned court, and that the perſons ſo choſen and elected ſhould have notice given them of ſuch their ſaid election, and be ſummoned to appear at the ſaid laſt-mentioned court, and that the perſons ſo choſen and preſented have been uſed and accuſtomed during all the time aforeſaid, and of right ought perſonally to be and appear in the ſaid laſt-mentioned court upon ſuch notice and ſummons, and then and there take their corporal oath for the due execution of the ſaid office, and to execute the ſame: And the jurors now here ſworn upon their oath aforeſaid, that at a certain court-leet of our ſaid lord the king, in the term of Samuel Fludyer, eſquire, and John Semains, eſquire, ſheriff of the county aforeſaid, made through the hundred of Oſſulſton aforeſaid, *within the month after Eaſter*, to wit, on Tueſday in the week of Eaſter, being the firſt day of April, in the twenty-eighth year aforeſaid, in the Workhouſe of the pariſh of Saint Andrew Holborn aforeſaid, in the county aforeſaid, before John Benſon, gentleman, ſteward of the ſaid court-leet, according to the cuſtom and uſage aforeſaid; William Gardiner, &c. (as before) good and lawful men, inhabiting and reſiding within the hundred aforeſaid, were then and there ſworn and charged, according to the cuſtom of the ſaid laſt-mentioned court, to enquire of and preſent thoſe things that belonged to them in that laſt-mentioned court to preſent; and the ſaid laſt-mentioned jurors, at the ſaid laſt-mentioned court ſo ſworn and charged, according to the cuſtom of the ſaid laſt-mentioned court, did chuſe and preſent M. D. of the pariſh of Saint George the Martyr aforeſaid, in the county aforeſaid, yeoman, then being one of the inhabitants and reſiants within and for the ſaid laſt-mentioned pariſh, to be one of the headboroughs within and for the ſaid laſt-mentioned pariſh, and to execute the office for the year then enſuing, and until another inhabitant and reſiant of and within the ſaid pariſh laſt-mentioned ſhould be choſen and ſworn into that office in the place and ſtead of the ſaid M. D. for the preſerving the peace of our ſaid lord the king, and for the apprehending of rogues, vagabonds, and other ſuſpicious perſons within the ſaid laſt-mentioned pariſh, and for doing and performing all matters relating to the office of headborough (he the ſaid M. D. then and there and long before and ever ſince being an inhabitant and reſiant within the ſaid pariſh, and a fit and proper perſon to execute the ſaid office as aforeſaid); and the ſaid M. D. after his being ſo choſen into the ſaid office, to wit, on the ſame firſt day of April, in the twenty-eighth year aforeſaid, at the pariſh of Saint George the Martyr aforeſaid, in the county aforeſaid, had notice thereof, and by a certain ſummons in writ-

ing was required perſonally to be and appear in the ſaid laſt-mentioned court on the ſame firſt day of April, in the twenty-eighth year aforeſaid, and then and there take his corporal oath for the due execution of the ſaid office, and to execute the ſame, which ſummons afterwards, to wit, on the firſt day of April in the year aforeſaid, in the pariſh of Saint George the Martyr aforeſaid, in the county aforeſaid, was delivered and left with the ſaid M. D.; nevertheleſs the ſaid M. D. little regarding his duty in this behalf, but intending and endeavouring the due execution of the ſaid office totally to neglect and omit, after his being ſo choſen into the ſaid office, and after ſuch notice and ſummons as laſt aforeſaid, to wit, on the ſaid firſt day of April, in the twenty-eighth year aforeſaid, did abſolutely refuſe to appear in the ſaid laſt-mentioned court and take upon himſelf the ſaid laſt-mentioned office, and to take the oath for the execution thereof; and he the ſaid Michael Duffield voluntarily, unlawfully, obſtinately, and contemptuouſly hath hitherto refuſed and ſtill doth refuſe to be ſworn into or execute the ſaid office, to wit, at the pariſh of Saint George the Martyr aforeſaid, in the county aforeſaid, to the great hindrance and delay of juſtice, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid M. D. on the ſaid firſt day of April, in the twenty-eighth year aforeſaid, and long before was and ſtill is a reſiant and inhabitant within the pariſh of Saint George the Martyr aforeſaid, in the county aforeſaid, and then and there was and ſtill is a fit and proper perſon to execute the office of one of the headboroughs within the ſaid pariſh of Saint George the Martyr, and that he the ſaid M. D. at a court of our ſaid lord the king, holden on the firſt day of April, in the twenty-eighth year aforeſaid, before Nathaniel Fludyer, eſquire and John Samians, eſquire, then and yet ſheriff of the county aforeſaid, in the torn of the ſaid ſheriff in the hundred of Oſſulſton, in the county aforeſaid, in the Workhouſe, there he the ſaid M. D. was duly elected and choſen by William Gardiner, &c. good and lawful men of the hundred aforeſaid, then and there ſworn and charged to enquire of and preſent thoſe things that belonged to them in that court to preſent into the office of one of the headboroughs within and for the ſaid pariſh of Saint George the Martyr, and to execute that office for the year then next enſuing, and until another inhabitant and reſident of the ſame laſt-mentioned pariſh ſhould be choſen and ſworn into that office in the place and ſtead of the ſaid M. D.; and that he the ſaid M. D. afterwards, to wit, on the ſaid firſt day of April in the twenty-eighth year aforeſaid, at the pariſh of Saint George the Martyr aforeſaid, in the county aforeſaid, had notice thereof, and was then and there required to appear at the ſaid laſt-mentioned court to take upon himſelf the ſaid office, and to take the oath for the due execution thereof; nevertheleſs the ſaid M. D. his duty in this behalf not regarding, but

3d Count.

but contriving and intending wholly to neglect to ſerve the ſaid office of headborough, after he was ſo as laſt aforeſaid elected and choſen into the ſaid office, afterwards, to wit, on the ſaid firſt day of April, in the year aforeſaid, and continually afterwards until the day of taking this inquiſition at the pariſh of Saint George the Martyr aforeſaid, in the county aforeſaid, unlawfully and contemptuouſly did refuſe, and ſtill doth refuſe to take the oath for the due execution of the ſaid office, or in anywiſe to execute the ſame, to the great hindrance of juſtice, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, now here ſworn upon their oaths aforeſaid, further preſent, that the ſaid M. D. on the ſaid firſt day of April, in the twenty-eighth year aforeſaid, and long before, was and yet is a perſon able and fit to be choſen into the office of one of the headboroughs of the ſame pariſh, to execute that office; and that the ſaid M. D. on the ſame day and year aforeſaid, at a certain court-leet of our ſaid lord the king, holden at the pariſh of Saint Andrew Holborn aforeſaid, to wit, in the Workhouſe there, before the ſaid John Benton, then and yet ſteward of the ſaid court, was duly and lawfully choſen to be one of the headboroughs of the ſaid pariſh of Saint George the Martyr for the year then enſuing, and until another inhabitant and reſiant of the ſame pariſh was choſen and ſworn into that office in the place and ſtead of the ſaid Michael D. whereof the ſaid M. D. afterwards, to wit, on the ſame day and year laſt aforeſaid, at the pariſh of Saint George the Martyr aforeſaid, in the county aforeſaid, had due notice; nevertheleſs the ſame M. D. on the ſame day and year laſt aforeſaid, and continually afterwards until the day of taking this inquiſition at the pariſh of Saint George the Martyr aforeſaid, in the county aforeſaid, wilfully, obſtinately, and contemptuouſly did neglect and refuſe, and yet doth neglect and refuſe to take upon himſelf the execution of the ſaid office, although duly required ſo to do, to the great hindrance of juſtice, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, now here ſworn upon their oath aforeſaid, further preſent, that the ſaid M. D. on the ſaid firſt day of April, in the twenty-eighth year aforeſaid, and long before, was and yet is an inhabitant and reſiant in the pariſh of of Saint George the Martyr aforeſaid, in the county aforeſaid, and on the ſame day and year laſt aforeſaid, and long before was and yet is a perſon able and fit to be choſen into the office of one of the headboroughs of the ſame pariſh, and to execute that office; and that he the ſaid M. D. on the ſame day and year laſt aforeſaid, at the pariſh of Saint Andrew, Holborn, aforeſaid, in the county aforeſaid, was duly and lawfully choſen to be one of the headboroughs of the ſaid pariſh of Saint George the Martyr for the year enſuing, and until another inhabitant and reſiant of the ſame pariſh was choſen and ſworn into that office in the place and ſtead of the ſaid M. D. whereof the

4th Count.

5th Count.

said M. D. afterwards, to wit, on the same day and year aforesaid, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, had due notice; nevertheless the said M. D. on the same day and year last aforesaid, and continually afterwards, until the day and year of taking this inquisition at the parish of Saint George the Martyr aforesaid, in the county aforesaid, wilfully, obstinately, and contemptuously did neglect and refuse, and yet doth neglect and refuse to take upon himself the execution of the said office, although duly required so to do, to the great hindrance of justice, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Indictment for refusing to execute the office of overseer for the poor, he having been duly nominated thereto by two justices.

DEVON, to wit. Be it remembered, that at a general quarter sessions of the peace of our lord the king, held at the Castle of Exeter, in and for the county of Devon aforesaid, the sixteenth day of July, in the seventeenth year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, &c. king, defender of the faith, &c. and in the year of Our Lord 1777. before the Reverend George Cooke, clerk, John Barf, Robert Palk, esquires, and others their companions, justices of our said lord the king, assigned to keep the peace of our said lord the king, in and for the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, upon the oath of twelve jurors, good and lawful men of the county aforesaid, then and there returned, sworn, and charged to enquire for our said lord the king and the body of the said county, it was presented as followeth, that is to say: Devon, to wit. The jurors of our sovereign lord the king upon their oath present, that Josiah Hatch, late of the parish of Crediton, in the county aforesaid, sergemaker, on the seventeenth day of April, in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. and long before was and still is a substantial housekeeper, and residing within the parish aforesaid, in the county aforesaid, and a proper and able person to serve the office of an overseer of the poor of the said parish, and the said J. H. on the said seventeenth day of April, in the year aforesaid, by warrant under the hands and seals of James Carrington, clerk, and John Pine, clerk, two of the justices of our said lord the king, assigned to keep the peace in and for the county of Devon (one of them being of the quorum), was lawfully nominated and appointed one of the overseers of the poor of the said parish for one year then next ensuing, or until another overseer should be appointed in his stead, whereof the said J. H. afterwards, to wit, on the nineteenth day of April, in the year aforesaid, at the parish aforesaid, in the county aforesaid, had due notice; nevertheless the said J. H. his duty in that behalf not regarding, but contriving and intending as much as in him lay to render the said war-

rant of appointment of no effect, from the said nineteenth day of April, in the year aforesaid, and continually afterwards, until the day of the taking of this inquisition at the parish aforesaid, in the county aforesaid, unlawfully, wilfully, obstinately, and contemptuously did refuse, and still doth refuse to take upon himself and execute the said office of overseer of the poor of the said parish of Crediton, contrary to his duty in that behalf, to the great damage of the said parish and parishioners, in manifest contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, which said indictment our said sovereign lord the king afterwards, for certain reasons, caused to be brought before him to be determined according to the law and custom of England; wherefore the sheriff of the said county of Devon was commanded that he should not forbear, by reason of any liberty in his bailiwick, but that he should cause the said J. H. to come to answer to our said present sovereign lord the king touching and concerning the premises.

Plea, that defendant is a Protestant Dissenter, and a teacher and preacher in pretended holy orders, and pleads his exemption from serving under 1. W. & M.

And now at this day, on Friday next after the octave of the Holy Trinity, in this said term before our said present sovereign lord the king at Westminster, cometh the said J. H. by A. B. his attorney, and having heard the said indictment read, he saith, that he did not intend that he ought to be impeached or troubled by reason of the premises in the aforesaid indictment specified, because protesting that the said indictment, and the matter therein contained is not sufficient in law, to which he hath no need, nor is bound by the law of the land to answer; for plea, he the said J. H. saith, that by a certain act of parliament, made in the parliament of their late majesties the lord and lady William and Mary, late king and queen of England, begun at W. the thirteenth day of February, in the first year of their said late majesties' reign, intitled, "An Act for exempting their "Majesties' Protestant Subjects dissenting from the Church of Eng-"land from the Penalties of certain Laws;" setting forth, that forasmuch as some ease to scrupulous consciences in the exercise of religion might be an effectual means to unite their said late majesties' protestant subjects in interest and affection, it was and is enacted, among other things, that neither the statute made in the twenty third year of the reign of the then late queen Elizabeth, intitled, "An "Act to retain the Queen's Majesty's Subjects in their due Obe-"dience;" nor the statute made in the twenty-ninth year of the said queen, intitled, "An Act for the more speedy and due Execu-"tion of the certain Branches of the Statute made in the twenty-"third year of the Queen's Majesty's Reign, to wit, the aforesaid "Act;" nor that branch or clause of a statute made in the first year of the said queen, intitled, "An Act for the Uniformity of Com-"mon Prayer and Service in the Church and Administration of "the Sacrament, whereby all Persons having no lawful or reasonable "Excuse to be absent, were required to resort to their Parish

" Churches or Chapel, or ſome uſual Place where the Common " Prayer ſhould be uſed, upon Pain of Puniſhment by the Cen- " ſors of the Church, and alſo upon Pain that every Perſon ſo " offending ſhould forfeit Twelve Pence;" nor the ſtatute made in the third year of the reign of the then late king James the Firſt, intitled, " An Act for the better diſcouraging and repreſſing Papiſh Recuſants;" nor that other act made in the ſame year, intitled, " An Act to prevent and avoid Danger which may " grow by Papiſh Recuſants;" nor any other law or ſtatute of the then realm of England made againſt papiſts or papiſt recuſants, except the ſtatute made in the twenty-fifth year of king Charles the Second, intitled, " An Act for preventing Dangers " which may happen from Papiſh Recuſants," and except alſo the act made in the thirtieth year of the ſaid late king Charles the Second, intitled, " An Act for the more effectual preſerving " the King's Perſon and Government, by diſabling Papiſts from " ſitting in either Houſe of Parliament," ſhould be conſtrued to extend to any perſon or perſons diſſenting from the church of England, that ſhould take the oaths mentioned in a ſtatute made in that then preſent parliament of the ſaid king William and queen Mary, intitled, " An Act for removing and preventing " all Queſtions and Diſputes concerning the aſſembling and ſit- " ting of this preſent Parliament," and ſhould make and ſubſcribe the declaration mentioned in a ſtatute made in the thirtieth year of the reign of King Charles the Second, intitled, " An " Act to prevent Papiſts from ſitting in either Houſe of Parlia- " ment," which oaths and declarations the juſtices of the peace at the general quarter ſeſſions of the peace to be holden for the county or place where ſuch perſons ſhould live, were by the ſame act intitled, " An Act for exempting their Majeſties' Sub- " jects, being Proteſtants, from the Penalties of certain Laws," required to tender and adminiſter to ſuch perſons as ſhould offer themſelves to take, make, and ſubſcribe the ſame, and thereof to keep a regiſter: and it was and is further enacted by the ſaid laſt-mentioned act, " that no perſon diſſenting from the church " of England, in holy orders, or pretending to holy orders, nor " any preacher or teacher of any congregation of proteſtant diſ- " ſenters, that ſhould make and ſubſcribe the declaration afore- " ſaid, and take the ſaid oaths at the general quarter ſeſſions of " the peace, to be holden for the county, town, parts, or divi- " ſion where ſuch perſons ſhould live, which court is thereby " empowered to adminiſter the ſame, and ſhould alſo declare " his approbation, and ſubſcribe the articles of religion mentioned " in the ſtatute of the thirteenth year of the reign of the late Queen " Elizabeth, except the thirty-fourth, thirty-fifth, and thirty- " ſixth, and theſe words, in the twentieth article, *viz.* the church " hath power to decree rites and ceremonies and authority in " controverſies of faith, &c. ſhould be liable to any of the pains " or penalties mentioned in an act made in the ſeventh year of " the reign of the late king Charles the Second, intitled, " An

" Act

"Act for restraining Non-conformists from inhabiting in Cor-
"porations," and the penalties mentioned in the aforesaid act,
"made in the twenty-second year of his said late majesty king
"Charles the Second, for or by reason of such persons preach-
"ing at any meeting for the exercise of religion, nor to a
"penalty of one hundred pounds mentioned in a statute made
"in the thirteenth and fourteenth of king Charles the Se-
"cond, intitled, "An Act for the Uniformity of public Prayers
"and Administration of Sacraments, and other Rites and Cere-
"monies," and for the establishing the form of making, order-
"ing, and consecrating of bishops, priests, and deacons in the
"church of England for officiating in any congregation for
"the exercise of religion permitted and allowed by the same
"act, intitled, "An Act for exempting their Majesty's Pro-
"testant Subjects, dissenting from the Church of England,
"from the Penalties of certain Laws." And it was pro-
vided by the said last-mentioned act, "that the making and sub-
"scribing the said declaration, and the taking the said oaths,
"and making the said declaration of approbation and subscription
"to the said articles, in manner as aforesaid, by the respective
"persons therein-before mentioned, at such general or quarter
"sessions of the peace as aforesaid, should be then and there en-
"tered of record in the said court, for which sixpence should
"be paid to the clerk of the peace and no more, provided that
"such person should not any time preach in any place but with
"the doors not locked, barred, or bolted." And by the same act
it was and is further enacted, "that every teacher or preacher in
"holy orders, or pretended holy orders, that is a minister, teacher,
"or preacher of a congregation that should take the oaths therein
"required, and make and subscribe the declaration aforesaid, and
"also subscribe such of the aforesaid articles of the church of
"England as are required by that act, in manner aforesaid,
"should be thenceforth exempt from serving upon any jury, or
"from being chosen or appointed to bear the office of church-
"warden or overseer of the poor, or any other parochial or
"ward office, or other office in any hundred of any shire, city,
"town, parish, division, or wapentake." And it was also pro-
vided by the same act, "that no congregation or assembly for
"any religious worship should be permitted or allowed by that
"act, until the place of such meeting should be certified to the
"bishop of the diocese, or to the archdeacon of that archdea-
"conry, or to the justice of the peace at the general or quar-
"ter sessions of the peace for the county, city, or place in
"which such meeting shall be held, and registered in the
"said bishop's or archbishop's court respectively, or recorded
"at the general or quarter sessions, by the register or clerk of
"the peace, who respectively is thereby required to register
"the same, and to give certificate thereof to such person as
"shall demand the same, as by the said act it more fully
"appears." And the said J. H. further saith, that at the time
of the nomination and appointment of him the said J. H.

to be overſeer of the poor of the ſaid pariſh of Crediton, in the aforeſaid indictment mentioned, he the ſaid J. H. was for the ſpace of ſix months and more, then laſt paſt, and had been, and ever hath been ſince, and ſtill is a proteſtant ſubject of the realm, diſſenting from the church of England, and a perſon of a ſcrupulous conſcience in the exercise of religion, and during all that time hath been a teacher and preacher in pretended holy orders, and a miniſter, preacher, or teacher of a congregation or aſſembly for religious worſhip, among proteſtant diſſenters, from time to time, during all that time allowed and permitted as aforeſaid by the ſaid laſt-mentioned act of parliament. And the ſaid J. H. further ſaith, that the general quarter ſeſſions of the lord the preſent king, holden at the Caſtle of Exeter, in and for the ſaid county of Devon, on the thirteenth day of April, in the fourteenth year of the reign of the ſaid lord the preſent king, and in the year of Our Lord 1774, before James Carrington, clerk, &c. and others their companions, juſtices of the peace for the ſaid county of Devon, the houſe or place of meeting or aſſembly in which the congregation of religious proteſtants, diſſenting from the church of England, whereof the ſaid J. H. then was, and ever ſince hath been, and ſtill is the teacher or preacher, was certified to be ſet apart for the exerciſe of religious worſhip by a congregation of diſſenters, and a regiſter thereof duly made, and the certificate of the ſame being ſo certified to and recorded by the ſaid general quarter ſeſſions, was given by the clerk of the peace, according to the form and effect and true intent and meaning of the ſaid laſt-mentioned act of parliament; and the ſaid J. H. further ſaith, that at the general quarter ſeſſions of the peace of the ſaid lord the king, holden at the Caſtle of Exeter aforeſaid, in and for the ſaid county of Devon, on the ſeventeenth day of July, the ſixteenth year of the reign of the ſaid lord the preſent king, and in the year of Our Lord 1776, before Thomas Taylor, eſquire, &c. and others their companions, juſtices of the peace for the ſaid county of Devon, he the ſaid J. H. then living within the ſaid county of Devon, to wit, in the ſaid pariſh of Crediton, in his own proper perſon came there into open court, between the hours of nine and twelve of the clock in the forenoon of the ſame day, before the juſtices aforeſaid, and offered himſelf to take the ſeveral oaths of allegiance and ſupremacy mentioned and ſpecified in the ſaid ſtatutes, made in the parliament of their ſaid late majeſties the lord and lady William and Mary, late king and queen of England, began at Weſtminſter, the ſaid thirteenth day of February, in the ſaid firſt year of their ſaid late majeſties' reign, intitled, "An Act for removing "and preventing all Queſtions and Diſputes concerning the aſ-"ſembling and ſitting of that preſent Parliament," and alſo to make and ſubſcribe the declaration mentioned and ſpecified in the ſaid ſtatute, made at the ſaid parliament of his ſaid late majeſty king Charles the Second, late king of England, begun at Weſtminſter,

Weſtminſter, the ſaid eighth day of May, in the year of Our Lord 1661, and in the thirteenth year of his reign, and by ſeveral prorogations and adjournments there continued to the thirtieth day of November, in the thirtieth year of the ſame late king's reign, intitled, " An Act for the more effectual " preſerving the King's Perſon and Government, by diſabling " Papiſts from ſitting in either Houſe of Parliament;" and that the ſaid J. H. being then in open court there as aforeſaid, and duly ſworn for that purpoſe before the laſt-above-named juſtices of the ſaid lord the preſent king, the ſeveral oaths of allegiance and ſupremacy were then and there tendered and adminiſtered to him by the ſaid juſtices, and the ſame oaths were then and there taken before the ſaid juſtices by the ſaid J. H. and his name was then and there ſubſcribed by him thereto upon the regiſter, on which the ſame oaths then were and now are written, as by the ſame regiſter kept by the ſame juſtices it fully appears. And that the ſaid J. H. being then in open court there aforeſaid, the aforeſaid declaration was then and there tendered and adminiſtered to him by the ſame juſtices, and the ſame declaration was then and there made by the ſaid J. H. before the ſame juſtices, and his name was then and there ſubſcribed by him thereto upon the regiſter, on which the ſame declaration then was and now is written, as by the ſame regiſter it fully appears. And alſo that the ſaid J. H. being then in open court there as aforeſaid, he the ſaid J. H. did then and there in open court declare his approbation of, and ſubſcribe the aforeſaid articles of religion mentioned in the ſaid ſtatute, made in the thirteenth year of the reign of queen Elizabeth, except the thirty-fourth, thirty-fifth, and thirty-ſixth, and the words of the twentieth article, (viz. the church hath power to decree ceremonies, and authority in controverſies of faith, &c.) as by the ſaid regiſter, upon which the ſaid declaration and the aforeſaid articles (except as before excepted) then were and now are written, it fully appears; and that the making and ſubſcribing the aforeſaid declarations, and taking the aforeſaid oaths, and ſubſcribing the aforeſaid articles (except as before excepted) by the ſaid J. H. in manner aforeſaid, at the ſaid laſt-mentioned general quarter ſeſſions of the peace, holden the ſaid ſeventeenth day of July, in the ſaid year of Our Lord 1776, were then and there entered of record in the ſame court in purſuance of the aforeſaid act of parliament, intitled, " An Act for exempting their Majeſty's Proteſtant Sub- " jects, diſſenting from the Church of England, from Penalties " of certain Laws," as by the ſame record it fully appears. And the ſaid J. H. further ſaith, that at the ſame laſt-mentioned general quarter ſeſſions of the peace, holden at the Caſtle of Exeter aforeſaid, in and for the county of Devon aforeſaid, on the ſame ſeventeenth day of July, in the year of Our Lord 1776, before the ſame laſt-mentioned juſtices of the ſaid lord the preſent king, between the hours of nine and twelve of the clock of the ſame day, he the ſaid J. H. being then in open court

there as aforesaid, and duly sworn for that purpose before the same justices the three several oaths of allegiance, supremacy, and abjuration, first-mentioned and specified in a certain act of parliament of his late majesty the lord George the First, late king of Great Britain, and begun and holden at Westminster, the seventeenth day of March, in the year of Our Lord 1714, in the first year of the said late king's reign, intitled, "An Act, "for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the "late Princess Sophia, being Protestants, and for extinguishing "the Hopes of the pretended Prince of Wales and his open and "secret Abettors," were then and there given and administered to him the said J. H. by the same justices, and the same three last-mentioned oaths were then and there taken by the said J. H. before the same justices, and his name was then and there subscribed by him thereto upon the register, on which the said three last-mentioned oaths then were and now are written, as by the said last-mentioned register, kept for that purpose by the proper officer, to wit, C. G. clerk of the peace of the said county of Devon, it fully appears; and this the said J. H. is ready to verify: Wherefore he prays judgment, whether he ought further to be impeached or troubled by occasion of the premises, &c.

T. DAVENPORT.

Replication, taking issue.

And hereupon Sir James Burrow, knight, coroner and attorney for our present sovereign lord the king, in the court of our said lord the king, before the king himself, for our said lord the king says, that by reason of any thing in the said plea of the said J. H. above pleaded in bar alledged, our said lord the king ought not to be precluded from having and maintaining the said indictment against the said J. H. because protesting that the said plea, and the matter therein contained, are not sufficient in law to bar or preclude our said lord the king from having or maintaining the said indictment against the said J. H. and to which said plea, in manner and form as the same is above made, our said lord the king hath no occasion, nor is under any necessity by the law of the land to answer; yet, for replication in this behalf, the said Sir J. B. for our said lord the king saith, that at the time of the nomination and appointmeent of him the said J. H. in the aforesaid indictment mentioned to be overseer of the poor of the said parish of Crediton, in the aforesaid indictment mentioned, he the said J. H. was not for the space of time in his said plea mentioned, nor hath been, nor yet is a teacher or preacher in pretended holy orders, and a minister, teacher, or preacher of any congregation or assembly for religious worship amongst protestant dissenters, allowed and permitted as in the said plea mentioned, as by the said plea of the said J. H. is in that behalf supposed: And this the said coroner and attorney of our said lord the king, who for our said lord the king prose-

cutes in this behalf for our ſaid lord the king, prays may be enquired of by the country; and the ſaid J. H. does ſo likewiſe:—And the ſaid coroner and attorney of our ſaid lord the king, who for our ſaid lord the king proſecutes in this behalf, for our ſaid lord the king further ſaith, that the ſaid houſe or place of meeting or aſſembling in the ſaid plea mentioned, at the time of the nomination and appointment of him the ſaid J. H. to be overſeer of the poor of the ſaid pariſh of C. was not ſet apart for the exerciſe of religious worſhip by a congregation of proteſtant diſſenters; and this the ſaid coroner and attorney of our ſaid lord the king prays may be inquired of by the country; and the ſaid J. H. doth ſo likewiſe.

F. BULLER.

The plea ſeems to me to be defective in not ſtating that the meeting houſe is ſet apart for public worſhip: however, as I think there can be very little doubt but that, upon an iſſue, the proſecutor muſt ſucceed, it is, in my opinion, more adviſeable to take iſſue upon it, than to demur; and therefore have taken two iſſues, which I think will bring the whole caſe before the court. F. BULLER.

Indictment at the quarter ſeſſions of a ſurveyor of the highways, for not making a rate on all the occupiers of land liable to repairs, to pay for ſuch, according to warrant to him directed.

LANCASHIRE, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that at the general quarter ſeſſion of the peace of our lord the preſent king, holden at L. in and for the county of L. on, &c. in the twenty firſt year of the reign of, &c. before J. F. eſquire, and R. F. clerk, and other their fellows juſtices of our ſaid lord the king aſſigned to keep the peace in the county aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdeeds committed in the ſaid county, an indictment was found by the jurors then and there impannelled, ſworn, and charged to enquire for our ſaid lord the king and the body of the ſame county, in the following words, *viz.* Lancaſhire, to wit. The jurors for our lord the king upon their oath preſent, that from time whereof the memory of man is not to the contrary, there was and yet is a common and ancient king's highway leading from the market-town of S. in the county of York, towards and into the market-town of L. in the county of L. uſed for all the liege ſubjects of our ſaid lord the king and of his predeceſſors, with their horſes, carts, and carriages to go, return, paſs, ride, and labour, at their will and pleaſure; and that a certain part of the ſaid king's highway, ſituate and being in the townſhip of W. in the county of L. aforeſaid, beginning at a place called, &c. and ſo continued towards the market-town of L. aforeſaid to a place called, &c. for the length of one thouſand ſix hundred yards, and being of the breadth of fifteen feet, on, &c. in the twenty-firſt year of the reign of, &c. and continually afterwards until the day of taking the inquiſition, was and is in great decay, for the want of due reparation and amendment and enlargement of the ſame, ſo that the liege ſubjects of our ſaid lord the king paſſing and travelling through the ſame, with their horſes, carts, and carriages, could not during the time aforeſaid, nor yet can go, return, paſs, ride, and labour,

labour, without great danger and common nuiſance of all the liege ſubjects of our ſaid lord the king paſſing through the ſame way, and againſt the peace of our ſaid lord the king, his crown and dignity; and that the inhabitants of the ſaid townſhip of W. in the ſaid county of L. the common highway (ſo as aforeſaid being in decay) ought and are wont, and from time immemorial have been accuſtomed, and now ought to repair and amend, when and ſo often as it ſhall be neceſſary: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that at the general ſeſſion of the peace holden at L. aforeſaid, in and for the county aforeſaid, the fifteenth day of, &c. in the twenty-ſecond year of the reign of, &c. before J. F. and W. B. eſquires, and other their fellow juſtices of our ſaid lord the king aſſigned to, &c. J. C. and T. B. two inhabitants of the townſhip of W. aforeſaid, came and perſonally appeared to the ſaid indictment, and then and there, on behalf of themſelves and the reſt of the inhabitants of the townſhip of W. aforeſaid, ſubmitted to the ſaid indictment, and that thereupon the judgment of the ſaid court was then and there given in the premiſes, and a fine of eighty pounds was thereby impoſed and laid upon the ſaid inhabitants for the ſaid offence in the ſaid indictment ſpecified: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that at the general quarter ſeſſion of the peace holden, &c. before J. F. and W. B. eſquires, and others, &c. aſſigned, &c. it was ordered by the ſame court and juſtices laſt above-named, that the ſaid fine ſo as aforeſaid impoſed and laid upon the ſaid inhabitants of the townſhip of W. as aforeſaid, ſhould be eſtreated and levied; and the ſaid court did order and direct that the ſaid fine of eighty pounds ſhould be levied upon the ſaid inhabitants, and be paid into the hands of J. C. ſurveyor of the highways in the townſhip of W. aforeſaid, (the ſaid J. C. being then and there a perſon reſiding within the ſaid townſhip): and that the ſaid fine ſo as aforeſaid when levied and paid, ſhould be by the ſaid J. C. applied towards the repair, amendment, and enlargement of the ſame highway: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that afterwards, on, &c. in the 25th year aforeſaid, at, &c. the ſaid fine of eighty pounds was in due manner levied by the ſaid J. C. upon F. K. then and ſtill being one of the inhabitants of the townſhip of W. aforeſaid, in purſuance and execution of the ſaid order; and of the ſaid judgment ſo given as aforeſaid: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that a ſpecial ſeſſions for the highways, was, purſuant to the ſtatute in that caſe made and provided, duly held at the houſe of A. B. being the ſign of the Grapes, in L. within the hundred of L. in the county of L. on, &c. before T. B. and R. F. clerk, two of his ſaid majeſty's juſtices of the peace for the ſaid county within the ſaid hundred, due notice having been firſt given of the holding of the ſame ſeſſion, purſuant to the ſtatute in this behalf; and that the ſaid F. K. did perſonally appear and make his complaint to the ſaid juſtices of the peace at the ſaid ſpecial ſeſſions of and concerning the levying the ſaid fine upon him

him the said F. K. as aforesaid; and the said last-mentioned justices of the peace, at the said special sessions, did then and there duly issue and make a certain warrant in writing, under their hands and seals, and did thereby order, direct, and appoint, amongst other things, that an equal and sufficient rate, or assessment, upon all and every the occupiers of lands, tenements, woods, tythes, and hereditaments within the said township of W. should be forthwith made by the surveyors of the highways of the said township, for the re-imbursing the said F. K. the said sum of eighty pounds, so levied on him as aforesaid; which said warrant, so made as aforesaid, was afterwards, on, &c. in the township of W. aforesaid, delivered to, and left with the said J. C. then and there being one of the surveyors of the highways in and for the said township of W. to be by him and the other surveyor of the said highways in the township of W. executed in due form of law: And although A. B. who then and there was, and still is, the other surveyor for the township of W. hath always been ready and willing to execute the said warrant on his part, and to join with the said J. C. in making the said rate or assessment as aforesaid, yet the said J. C. late of W. in the said county of L. yeoman, not regarding his duty in this behalf, hath not at any time since the said warrant was so made and delivered to him as aforesaid, made or joined, or assisted in the making, an equal rate or assessment upon all and every the occupiers of lands and tenements, woods, tythes, and hereditaments within the said township of W. for the purpose aforesaid; but, on the contrary thereof, the said J. C. on, &c. and ever since, (then and still being one of the surveyors of the highways in and for the township of W.) at W. aforesaid, unlawfully and contemptuously did neglect and refuse, and hath neglected and refused to make, join, and assist in the making of an equal and sufficient rate or assessment, upon all and every the occupiers of lands, &c. within the township of W. for the purpose aforesaid, as by the said warrant, under the hands and seals of the said last-mentioned justices, at their special sessions aforesaid, he the said J. C. one of the surveyors of the highways for the said township of W. was required to do, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Indictment against a high constable for not issuing his precept to the petty constables, requiring them to give notice to all victuallers to appear with their licences, in order to have them renewed.

OXFORDSHIRE, ss. The jurors for our sovereign lord the king, upon their oath present, that on, &c. in the thirtieth year, &c. by the grace of God, &c. and in the year of our lord 1756, James Dashwood and Benjamin Bathurst, esquires, then and yet being two justices of our said lord the king, assigned to keep the peace of our said lord the king in the county of O. and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said county, at, &c. in the south division of the hundred of Ploughley, in the said county of O. duly made their certain warrant in writing, under their hands and seals,

ſeals, as juſtices of our ſaid ſovereign lord the king aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, and other miſdeeds committed within the ſaid county, directed to the chief conſtable of the ſouth diviſion of the hundred of P. in the ſaid county, whereby the ſaid juſtices in his majeſty's name commanded the ſaid conſtable on ſight thereof to iſſue his precepts to all petty conſtables and tything men within the ſaid chief conſtable's diviſion, ſtrictly requiring them to give notice to all victuallers and retailers of ale, beer, or other liquors, perſonally to appear before them the ſaid two juſtices, and ſuch other of his majeſty's juſtices of the peace of the ſaid county, as ſhould be aſſembled at the houſe of Thomas Potter, known by the ſign of the King's Arms, at, &c. on, &c. then next, by ten of the clock in the forenoon of the ſame day, and bring with them reſpectively their then reſpective laſt licences, in order then and there reſpectively to renew the ſame, and then and there reſpectively to enter into recognizances, with two ſufficient ſecurities, according to the ſtatute in ſuch caſe made and provided; and the ſaid chief conſtable was by the ſaid warrant alſo required to give notice to the ſaid ſeveral petty conſtables and tything men, that no licence to keep an alehouſe would be granted to any perſon not licenſed the year then preceding, unleſs ſuch perſon ſhould produce, at the meeting of the ſaid juſtices, a certificate, under the hands of the parſon, vicar, or curate, and the major part of the churchwardens and overſeers, or elſe of three or four reputable and ſubſtantial houſeholders and inhabitants of the pariſh or place where ſuch alehouſe was to be, ſetting forth that ſuch perſon was of good fame and of ſober life and converſation; and that they the ſaid petty conſtables and tything men ſhould reſpectively give notice to the ſaid victuallers, alehouſe-keepers, and retailers of ale, beer, and other liquors, that at the ſaid juſtices general meeting for that diviſion for renewing their licences, he the ſaid chief conſtable would be then and there ready to make return to them the ſaid juſtices of his the ſaid chief conſtable's due execution of the ſaid warrant: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid warrant was afterwards, to wit, on, &c. at, &c. within, &c. delivered to one William Rolls, who then and there, and from thence until and on and after the ſaid third day of, &c. next after the ſaid making of the ſaid warrant there, was high conſtable of the ſaid ſouth diviſion of the ſaid hundred of P. in the ſaid county, to be executed in due form of law; yet that the ſaid W. R. late of, &c. in the ſaid county of O. ſo being high conſtable of the ſaid ſouth diviſion of the ſaid hundred of P. in the ſaid county, not regarding his ſaid duty of high conſtable as aforeſaid, did not at any time after the ſaid warrant was ſo delivered to him as aforeſaid, to be executed in form aforeſaid, iſſue out his precepts to all or any of the petty conſtables, or tything men, within the ſaid high conſtable's diviſion, according to the form and effect of the ſaid warrant, as he was by the ſaid warrant commanded; but therein, in contempt of the ſaid warrant, he contemptuouſly and unlawfully wholly failed and made default, contrary to his

duty

duty of his ſaid office of high conſtable of the ſaid diviſion of the hundred of P. aforeſaid, againſt the form and effect of the ſaid warrant of the ſaid then juſtices ſo delivered to him as aforeſaid, to the evil example of all others in the like caſe offending, in contempt of the laws of this realm, and againſt the peace of our ſaid lord the now king, his crown and dignity.

Indictment against a perſon for refuſing to take upon himſelf the office of overſeer of the poor, after being duly elected.

ESSEX, to wit. The jurors of our ſovereign lord the king, upon their oath preſent, that the pariſh of Weſt Ham, in the county of Eſſex, long before and at the time of committing of the offence hereafter mentioned and preſented, and from thence hitherto, hath been and ſtill is a great or large pariſh, and during all the time aforeſaid, was and ſtill is divided into three parts or diviſions called wards, known by the ſeveral and reſpective names of Church-ſtreet Ward, Stratford Ward, and Plaſtow Ward, to wit, at the pariſh aforeſaid, in the county aforeſaid: And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that during all the time aforeſaid it hath been uſual and cuſtomary, yearly, in Eaſter week, that is to ſay, on Tueſday, commonly called Eaſter Tueſday, for the inhabitants of the ſaid pariſh, aſſembled in the veſtry-room of the ſaid pariſh, in the pariſh aforeſaid, for the election of pariſh officers for the pariſh aforeſaid for the enſuing year, to elect and chooſe out of the inhabitants and reſidents in the ſaid reſpective wards, then inhabiting and reſiding reſpectively therein, three of the ſaid inhabitants to preſent two or more juſtices of the peace in the ſame county, (whereof one to be of the quorum) dwelling in or near the ſame pariſh or diviſion where the ſame pariſh doth lie, for three perſons reſpectively, that is to ſay, one reſpectively out of ſuch three choſen out of ſuch three reſpective diviſions reſpectively to be nominated by ſuch juſtices, under the hands and ſeal of ſuch juſtices (according to the tenor of the ſtatute in ſuch caſe made and provided), to be overſeers of the poor of the ſaid pariſh, that is to ſay, each of the three perſons ſo reſpectively to be nominated as aforeſaid, to be overſeers of the poor of the reſpective diviſions or wards of the ſaid pariſh wherein they ſo reſpectively reſide and inhabit for the year enſuing, and to do, and perform, and execute the ſaid office of overſeer for the year enſuing; and ſuch perſons ſo elected and nominated reſpectively, have during all the time aforeſaid been accuſtomed to take on them and execute reſpectively, and ought to take on them and execute reſpectively the ſaid office, to wit, at, &c.: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that one James Manly, late of the pariſh of Weſt Ham, in the ſaid county of Eſſex, eſquire, and one A. B. of the ſame pariſh and county, eſquire, and one C. D. of the ſame pariſh and county, gentleman, in Eaſter week, that is to ſay, on, &c. in the fourteenth year, &c. and long before, were inhabitants, and reſiding within the pariſh aforeſaid, in the county aforeſaid, that is to ſay, in the diviſion of the ſaid pariſh called the ward of Stratford, and were able perſons, and each and every of them was an able

able perſon, to ſerve the office of overſeer of the poor of the ſaid diviſion of the ſaid pariſh, called the ward of Stratford, in the ſaid pariſh of Weſt Ham, in the ſaid county of Eſſex; and that they the ſaid J. M. A. B. and C D. in the ſaid Eaſter-week, that is to ſay, on, &c. in the year aforeſaid, being Tueſday in Eaſter-week, in the ſaid year, commonly called Eaſter Tueſday, at the veſtry-room of the ſaid pariſh there ſituate, lawfully and in due manner were elected and choſen by, &c. &c. ancient inhabitants of the ſame pariſh, and uſually preſent at the election of pariſh officers for the ſaid pariſh, for ſuch one of them as ſhould be nominated by two or more juſtices of the peace in the ſame county (whereof one to be of the quorum), dwelling in or near the ſaid pariſh or diviſion where the ſame pariſh doth lie, to ſerve the office of overſeer of the poor of the ſaid diviſion of the aforeſaid pariſh of Weſt Ham, in the ſaid county of Eſſex, called the ward of Stratford, for one year from thence next following, and to do and execute all and ſingular thoſe things which belong to the office of an overſeer of the ſaid poor of the ſaid diviſion of the ſaid pariſh, called the ward of Stratford; and that afterwards, to wit, at the petit ſeſſions of the peace of our ſaid lord the king, holden at in Ilford, in and for the ſaid county of Eſſex, on, &c. in the fourteenth year, &c. before A. B. and C. D. eſquires (the ſaid, &c. being of the quorum), and others their fellow-juſtices of our ſaid lord the king aſſigned to keep the peace in and for the ſaid county of Eſſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſaid county, the ſaid J. M. was by the (a) juſtices aforeſaid, to wit, by the ſaid A. B. and C. D. (the ſaid being of the quorum, and both the ſaid juſtices dwelling in or near the ſame pariſh, or diviſion where the ſaid pariſh doth lie, under their hands and ſeals, duly, and according to the tenor of the ſtatute aforeſaid in ſuch caſe made and provided, nominated to be overſeer of the poor of the ſaid diviſion of the ſaid pariſh called the ward of S. for the year enſuing, in the room and ſtead of one A. B. the then laſt overſeer of the poor of the ſaid diviſion of the ſaid pariſh called the ward of S. whereof the ſaid J. M. afterwards, to wit, on, &c. at, &c. had notice; nevertheleſs the ſaid J. M. his duty in that behalf not regarding, but contriving and intending as much as in him lay to prevent and hinder the due proviſion for the care of the poor of the ſaid diviſion of the ſaid pariſh called the ward of S. from, &c. until the day of taking this inquiſition, at, &c. in, &c. unlawfully, &c. did refuſe to take upon himſelf and execute the ſaid office of overſeer of the poor of the ſaid diviſion of the ſaid pariſh called the ward of S. in the pariſh aforeſaid, in the county aforeſaid, contrary to his duty in that behalf, in contempt of our ſaid lord the king and his laws, and in delay of the proviſion for, and care of the ſaid poor of the ſaid diviſion of the ſaid pariſh called the ward of S. in the ſaid pariſh; to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the now king, his crown and dignity, and againſt the form of the ſtatute in ſuch caſe made and provided.

(a) If more than two juſtices ſigned and ſealed the nomination, name them, and let them alſo be named in the caption of the ſeſſion, if agreeable to it.

MID-

Indictment against a person for refusing to execute the office of headborough, after being duly chosen at a court-leet of a particular manor.

MIDDLESEX, to wit. The jurors for our sovereign lord the king upon their oath present, that the manor of the Master, Brothers, and Sisters of the hospital of St. Catherine, near the Tower of London, that is to say, in the county of Middlesex, now is, and from time whereof the memory of man is not to the contrary, hath been an ancient manor, and during all the time aforesaid there hath been and still is belonging and appertaining to the said manor, a leet or view of frankpledge, within the limits of the said hospital, and whatsoever belonged to such leet and view of all and singular the tenants, persons dwelling within the bounds and precincts of the said hospital: And the jurors aforesaid, upon their oath aforesaid, do further present, that within the said manor there now is, and from time whereof the memory of man is not to the contrary, there hath been a certain ancient and laudable custom used and approved of therein, that the court of the same leet or view of frankpledge, from time to time, during all the time aforesaid, have, that is to say by the homage thereof, nominated, elected and appointed, and have been used and accustomed to elect, nominate, and appoint; and from time to time, during all the time aforesaid, of right ought to nominate, elect, and appoint fit and able persons, inhabitants and residents within the said manor, to serve and take upon themselves respectively the office of headborough of and for the aforesaid manor, and the precincts and liberties thereof: And the jurors aforesaid, upon their oath aforesaid, do further present, that before the day of taking this inquisition, to wit, on, &c. in the year of Our Lord 1777, William Scholey, late of, &c. in, &c. was an inhabitant and resident within the manor aforesaid, and a fit and able person to take upon himself the office of headborough of and for the same manor, and the precincts and liberties thereof: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, and before the taking this inquisition, to wit, at a court leet or view of frankpledge of our lord the king, holden at the court house within and for the said manor of the Masters, Brothers, and Sisters of the hospital of St. Catherine, near the Tower of London, in the county of Middlesex, at the court house there, on, &c. A. D. 1777, before J. C. gentleman, deputy steward of the said manor, he the said W. C. was lawfully and in due manner appointed, nominated, and elected by the said court (to wit, by the homage there), according to the said custom, into the office of headborough for the said manor and the liberties and precincts thereof, for one year from thence next ensuing, and until another should be duly elected and chosen in his room and place, to do and execute all and singular those things which belong to the office of headborough of and for the said manor and the liberties and precincts thereof; and that the said William Scholey afterwards, to wit, on, &c. in, &c. within the manor aforesaid, to wit, at the precinct of St. C. in the county of Middlesex aforesaid, had notice of such nomination, election and appointment, and was then and there summoned and required to be and appear at a court leet or view

1st Count, disobeying order of court-leet.

of

able perſon, to ſerve the office of overſeer of the poor of the ſaid diviſion of the ſaid pariſh, called the ward of Stratford, in the ſaid pariſh of Weſt Ham, in the ſaid county of Eſſex; and that they the ſaid J. M. A. B. and C D. in the ſaid Eaſter-week, that is to ſay, on, &c. in the year aforeſaid, being Tueſday in Eaſter-week, in the ſaid year, commonly called Eaſter Tueſday, at the veſtry-room of the ſaid pariſh there ſituate, lawfully and in due manner were elected and choſen by, &c. &c. ancient inhabitants of the ſame pariſh, and uſually preſent at the election of pariſh officers for the ſaid pariſh, for ſuch one of them as ſhould be nominated by two or more juſtices of the peace in the ſame county (whereof one to be of the quorum), dwelling in or near the ſaid pariſh or diviſion where the ſame pariſh doth lie, to ſerve the office of overſeer of the poor of the ſaid diviſion of the aforeſaid pariſh of Weſt Ham, in the ſaid county of Eſſex, called the ward of Stratford, for one year from thence next following, and to do and execute all and ſingular thoſe things which belong to the office of an overſeer of the ſaid poor of the ſaid diviſion of the ſaid pariſh, called the ward of Stratford; and that afterwards, to wit, at the petit ſeſſions of the peace of our ſaid lord the king, holden at in Ilford, in and for the ſaid county of Eſſex, on, &c. in the fourteenth year, &c. before A. B. and C. D. eſquires (the ſaid, &c. being of the quorum), and others their fellow-juſtices of our ſaid lord the king aſſigned to keep the peace in and for the ſaid county of Eſſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſaid county, the ſaid J. M. was by the (a) juſtices aforeſaid, to wit, by the ſaid A. B. and C. D. (the ſaid being of the quorum, and both the ſaid juſtices dwelling in or near the ſame pariſh, or diviſion where the ſaid pariſh doth lie, under their hands and ſeals, duly, and according to the tenor of the ſtatute aforeſaid in ſuch caſe made and provided, nominated to be overſeer of the poor of the ſaid diviſion of the ſaid pariſh called the ward of S. for the year enſuing, in the room and ſtead of one A. B. the then laſt overſeer of the poor of the ſaid diviſion of the ſaid pariſh called the ward of S. whereof the ſaid J. M. afterwards, to wit, on, &c. at, &c. had notice; nevertheleſs the ſaid J. M. his duty in that behalf not regarding, but contriving and intending as much as in him lay to prevent and hinder the due proviſion for the care of the poor of the ſaid diviſion of the ſaid pariſh called the ward of S. from, &c. until the day of taking this inquiſition, at, &c. in, &c. unlawfully, &c. did refuſe to take upon himſelf and execute the ſaid office of overſeer of the poor of the ſaid diviſion of the ſaid pariſh called the ward of S. in the pariſh aforeſaid, in the county aforeſaid, contrary to his duty in that behalf, in contempt of our ſaid lord the king and his laws, and in delay of the proviſion for, and care of the ſaid poor of the ſaid diviſion of the ſaid pariſh called the ward of S. in the ſaid pariſh; to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the now king, his crown and dignity, and againſt the form of the ſtatute in ſuch caſe made and provided.

(a) If more than two juſtices ſigned and ſealed the nomination, name them, and let them alſo be named in the caption of the ſeſſion, if agreeable to it.

MID-

MIDDLESEX, to wit. The jurors for our sovereign lord the king upon their oath present, that the manor of the Master, Brothers, and Sisters of the hospital of St. Catherine, near the Tower of London, that is to say, in the county of Middlesex, now is, and from time whereof the memory of man is not to the contrary, hath been an ancient manor, and during all the time aforesaid there hath been and still is belonging and appertaining to the said manor, a leet or view of frankpledge, within the limits of the said hospital, and whatsoever belonged to such leet and view of all and singular the tenants, persons dwelling within the bounds and precincts of the said hospital: And the jurors aforesaid, upon their oath aforesaid, do further present, that within the said manor there now is, and from time whereof the memory of man is not to the contrary, there hath been a certain ancient and laudable custom used and approved of therein, that the court of the same leet or view of frankpledge, from time to time, during all the time aforesaid, have, that is to say by the homage thereof, nominated, elected and appointed, and have been used and accustomed to elect, nominate, and appoint; and from time to time, during all the time aforesaid, of right ought to nominate, elect, and appoint fit and able persons, inhabitants and residents within the said manor, to serve and take upon themselves respectively the office of headborough of and for the aforesaid manor, and the precincts and liberties thereof: And the jurors aforesaid, upon their oath aforesaid, do further present, that before the day of taking this inquisition, to wit, on, &c. in the year of Our Lord 1777, William Scholey, late of, &c. in, &c. was an inhabitant and resident within the manor aforesaid, and a fit and able person to take upon himself the office of headborough of and for the same manor, and the precincts and liberties thereof: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, and before the taking this inquisition, to wit, at a court leet or view of frankpledge of our lord the king, holden at the court house within and for the said manor of the Masters, Brothers, and Sisters of the hospital of St. Catherine, near the Tower of London, in the county of Middlesex, at the court house there, on, &c. A. D. 1777, before J. C. gentleman, deputy steward of the said manor, he the said W. C. was lawfully and in due manner appointed, nominated, and elected by the said court (to wit, by the homage there), according to the said custom, into the office of headborough for the said manor and the liberties and precincts thereof, for one year from thence next ensuing, and until another should be duly elected and chosen in his room and place, to do and execute all and singular those things which belong to the office of headborough of and for the said manor and the liberties and precincts thereof; and that the said William Scholey afterwards, to wit, on, &c. in, &c. within the manor aforesaid, to wit, at the precinct of St. C. in the county of Middlesex aforesaid, had notice of such nomination, election and appointment, and was then and there summoned and required to be and appear at a court leet or view of

Indictment against a person for refusing to execute the office of headborough, after being duly chosen at a court-leet of a particular manor.

1st Count, disobeying order of court-leet.

of frankpledge, to be held for the ſaid manor, on, &c. in, &c. at twelve o'clock at noon, at the court houſe in the ſaid precinct of St. C. then and there to be ſworn, and ſerve as ſuch headborough for the year then next enſuing: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that a court leet or view of frankpledge of our lord the king was holden at the court houſe within and for the manor of the Maſters, Brothers, and Siſters of the hoſpital of St. C. near the Tower of London, holden in the county of Middleſex, on, &c. in, &c. before H. B. eſquire, barriſter at law, ſteward of the ſaid manor, that is to ſay, at twelve o'clock of the ſame day, and continued to be holden for a long time, to wit, for the ſpace of two hours; but that the ſaid William Scholey did not then and there appear at the ſaid court leet or view of frankpledge laſt aforeſaid, to take on him the ſaid office of headborough, although ſolemnly called; but therein wholly failed and made default: and thereupon, afterwards, to wit, at the ſaid laſt-mentioned court leet or view of frankpledge ſo holden as laſt aforeſaid, it was by the ſaid court ordered that the ſaid W. Scholey ſhould attend to take and take the oath for duly performing the ſaid office before ſome of his majeſty's juſtices of the peace, who ſhould be ſitting at the Rotation-office held at the houſe known by the name or ſign of the Angel and Crown, in Whitechapel, (that is to ſay, at the pariſh of Saint Mary, Whitechapel, in the county of Middleſex) on, &c. then next, between the hours of eleven and twelve of the clock of the forenoon in the ſame day, as by the ſaid order of court (relation being thereunto had) will more fully and at large appear, of which ſaid order ſo made as aforeſaid, he the ſaid W. S. afterwards, to wit, on, &c. within the manor aforeſaid, to wit, at the precinct of St. C. aforeſaid, had notice; nevertheleſs the ſaid William Scholey his duty in this behalf not regarding, but contriving and intending wholly to neglect and avoid ſerving the ſaid office of headborough, after he the ſaid W. S. was ſo nominated, elected, and appointed into the ſaid office as aforeſaid, and after the making the aforeſaid order, did not attend to take, nor did he take the oath for duly performing the ſaid office before ſome of his majeſty's juſtices of the peace, who were ſitting at the Rotation-Office, held at the houſe known by the name or ſign of the Angel and Crown, in Whitechapel, on, &c. next after the making the iſſue of ſaid order, between the hours of eleven and twelve of the clock in the forenoon of the ſame day, or at any other time (although divers, to wit, A. B. eſquire, &c. juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king, in and for the county of Middleſex aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdeeds committed in the ſaid county, were then and there, on the day and year laſt aforeſaid, between the hours aforeſaid of that day, met and aſſembled together), as by the ſaid order he the ſaid W. S. was commanded and required to do, and ought to have done; nor hath he at any other time accepted or taken upon him the ſaid office, or taken the ſaid oath for the

purpoſe

purpose aforesaid, but then and there, to wit, on, &c. in, &c. and continually afterwards, until the day of taking this inquisition, within the manor aforesaid, to wit, at the precinct of St. C. aforesaid, in the county aforesaid, unlawfully and contemptuously did refuse, and still doth refuse to take the said office, or *the said oath for the due executing the said office* of headborough, and in any wise to take upon himself and execute the same office, hath hitherto wholly refused, to wit, at the precinct aforesaid, in the county aforesaid, to the great hindrance of justice, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that, &c. (2d count proceeds no farther than his offence in not attending the court held the twenty-second, &c. as follows:) Nevertheless the said W. S. his duty in that behalf not regarding, but contriving and intending wholly to neglect and avoid serving the said office of headborough, after he the said W. S. was so nominated, elected, and appointed into the said office as aforesaid, was not, nor did appear at the said court leet or view of frankpledge, so holden as last aforesaid, to take on him the said office of headborough, although solemnly called, as the said W. S. was summoned to do, and ought to have done; nor hath he at any other time, &c. (as in the 1st count, omitting what is in Italic. 3d count like the 2d, only stating the right of nomination to be of and for *an headborough for the precinct of St. C. near the Tower of London, in the county of Middlesex*, observing to alter the count accordingly throughout.)

J. MORGAN.

(a) PAUPERS.

PLEAS before our lord the king at Westminster, of Trinity Term, in the second year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c.

Among the pleas of the king. ROLL.

Record of an indictment at quarter sessions for bringing a pauper, having the small pox, into the parish, who died, and the parish put to the expence of her burial.

SOUTHAMPTON, to wit. Sometime ago, that is to say, on Tuesday, in the week next after the feast of Saint Michael the Archangel, to wit, the sixth day of October, in the first year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of Our Lord 1761, at the general quarter sessions of the peace of our sovereign lord the king, held at the castle of Winchester, in and for the said county of Southampton, before Matthew Imber, &c. &c. &c. (naming them) esquires, justices of our said lord the king, assigned to keep the peace of our said lord the king in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the same county, by the oath of twelve jurors, good and lawful men of the county aforesaid, then and there sworn and charged

(a) See Conspiracy, ante 112. 124.

to inquire for our ſaid lord the king for the body of the ſaid county, it was preſented as followeth, that is to ſay, Southampton to wit, the jurors for our ſovereign lord the king, upon their oath preſent, that Robert Harcourt, otherwiſe Harbort, late of Horndean, in the pariſh of Catherington, in the county of Southampton, innholder, deviſing and intending the inhabitants of the pariſh of Chalton, in the ſaid county of Southampton, with the maintenance and ſupport of one Anne Somerſet, ſingle woman, unjuſtly to charge on the ninth day of May, in the firſt year of the reign of our ſovereign lord George the Third, now king of Great Britain, her the ſaid Anne Somerſet then being poor and impotent, and ill with the ſmall-pox, and then not having any legal ſettlement within the ſaid pariſh of Chalton, violently, unlawfully, unjuſtly, and without any legal warrant or authority, did bring, convey, and leave, and cauſe and procure to be brought, conveyed, and left in the ſaid pariſh of C. to be kept and maintained at the charge of the inhabitants of the ſame pariſh, which ſaid Anne Somerſet within ten days after ſhe was ſo brought into the ſaid pariſh as aforeſaid did there die, by reaſon whereof the inhabitants of the ſaid pariſh were obliged to expend and did expend forty ſhillings of lawful money of Great Britain in and about the burial of the ſaid Anne Somerſet, to the great damage of the ſaid inhabitants, and to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity; which ſaid indictment our ſaid lord the king afterwards, for certain reaſons, cauſed to be brought before him to be determined according to the law and cuſtom of England; wherefore the ſheriff of the ſaid county of Southampton was commanded that he ſhould not forbear by reaſon of any liberty in his bailiwick, but that he ſhould cauſe him to come to anſwer to our ſaid lord the king, touching and concerning the premiſes aforeſaid: And now, that is to ſay on Friday next after the morrow of the Holy Trinity, in this ſame term, before our ſaid lord the king at Weſtminſter, cometh the ſaid Robert Harcourt, otherwiſe Harbort, by John Montague his attorney, and having heard the ſaid indictment read, he ſaith, that he is not guilty thereof, and thereupon he putteth himſelf upon the county, and James Burrow, eſquire, coroner and attorney of our ſaid lord the king, in the court of our ſaid lord the king, before the king himſelf, who for our ſaid lord the king in this behalf proſecuteth doth the like.

Plea not guilty.

Similiter.

Indictment for removing a pauper with child into another pariſh than where ſhe belonged, where ſhe was brought to bed, and became chargeable, &c.

BERKSHIRE, *ſſ.* The jurors for our lord the king upon their oath preſent, that J. B. late of the town of M. in the county of B. yeoman, deviſing and intending to charge the inhabitants of the pariſh of H. in the ſaid county of B. with the maintenance of M. L. widow (being a poor and impotent perſon), and alſo of a certain child ſhe was then pregnant of on the eighth day of March, in the twenty-fourth year of the reign of our ſovereign lord George the Third, king of Great Britain, &c. in the pariſh of H. in the county aforeſaid, ſhe the ſaid M. L. then being ſuch poor

poor and impotent perſon, and unable to maintain or ſupport herſelf, and then not having any legal ſettlement in the ſaid pariſh, unlawfully, injuriouſly, fraudently, and unjuſtly, and without any legal warrant or authority, did bring, convey, and leave, and cauſe and procure to be brought, conveyed, and left in the ſaid pariſh of H. to be kept and maintained at the charge of the inhabitants of this pariſh, which ſaid M. L. afterwards, to wit, on the day of March, in the ſaid twenty-fourth year aforeſaid, was delivered of a female child (ſhe the ſaid M. L. then being ſuch poor and impotent perſon, and unable to ſupport or maintain herſelf, or her ſaid female child), and then not having any legal ſettlement in the ſaid pariſh of H. to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Vide 3d vol. of Burn's Juſtice—tit. poor, ſettlement by marriage, how far this is an indictable offence—alſo 8. Mod. 321.

ON PARTICULAR STATUTES.

Indictment for loſing more than twenty pounds within twenty-four hours.

MIDDLESEX. The jurors, &c. that George Stacpoole, of, &c. in, &c. in the twenty-ſecond year, &c. with force and arms, at, &c. and not within any of the royal palaces of our ſaid lord the king, wherein our ſaid lord the king did then actually reſide, did play at dice with J. M. N. eſquire, at a certain game called paſs dice, and that the ſaid G. S. with force and arms by then and there playing at the ſaid game with the ſaid J. M. N. on, in the twenty-ſecond year, &c. aforeſaid, within the ſpace of twenty-four hours, to wit, within the ſpace of five hours, at, &c. in, &c. unlawfully did loſe at the ſaid play to the ſaid J. M. N. above the ſum of twenty pounds, to wit, the ſum of twenty-one thouſand pounds, to the evil example, &c. and againſt the, &c. and alſo againſt the form of the ſtatute, &c.; that the ſaid G. S. afterwards, that is to ſay, on, &c. in the twenty-ſecond year, &c. with force and arms, at, &c. in, &c. and not within any of the palaces of, &c. where, &c. did play at dice with the ſaid J. M. N. and that the ſaid G. S. by then and there playing at dice with the ſaid J. M. N. on, &c. in the twenty ſecond, &c. within the ſpace of twenty-four hours, to wit, in the ſpace of five hours, at, &c. in, &c. unlawfully did looſe to the ſaid J. M. N. above the ſum of twenty pounds, to wit, the ſum of twenty-one thouſand pounds, to the evil, &c. and againſt, &c.

THE

By ſtatute, 18. Geo. 2. c. 34. it is enacted, "that if any perſon after the "commencement of this act ſhall win "or looſe at play, or by betting at any "one time the ſum or value of ten "pounds, or within the ſpace of

"twenty-four hours, the sum or value "of twenty pounds, such person shall "be liable to be indicted for such of-"fence within six months after it is "committed, either before his ma-"jesty's justices of the king's bench, "assize, goal delivery, or grand sessions; "and being thereof legally convicted, "shall be fined five times the value of "the sum so won or lost; which fine, "after such charges as the court shall "judge reasonable to be allowed to the "prosecutor and evidence out of the "same, shall go to the poor of the parish "or place where such offence shall be "committed." By the ninth section of the same statute, it is provided, "that if any person so offending shall "discover any other person so offend-"ing, so that such person be there-"upon convicted, the person so dis-"covering shall be discharged and in-"demnified from all penalties by reason "of any such offence, if such person "so discovering hath not been before "convicted thereof, and shall be ad-"mitted as an evidence to prove the "same."

Indictment for fishing in the king's park, 5. Geo. 3.

THE jurors for our lord the king upon their oath present, that Edmund Mayhew, otherwise Warner, late of the parish of New Windsor, in the county of Berks, labourer, Andrew Knott, late of the same, labourer, and William Thorley, otherwise Fawley, otherwise Wilkes, late of the same, labourer, after the first day of June 1765, to wit, on the fourth day of March, in the thirteenth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully did enter into a certain park of our sovereign lord the king, there situate, called Cranbourne park, the said park being fenced in and inclosed, wherein a certain pond of water then and there was, and did then and there steal, take, kill, and destroy twenty-four fish called carp, of the value of twenty-four shillings, of the goods and chattels of our said sovereign lord the king, then and there being, and then and there bred, kept, and preserved in such pond as aforesaid, without the consent of our said sovereign lord the king, then and there being the owner thereof, against the form of the statute in such case made and provided, and also against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Edmund Mayhew, otherwise Warner, Andrew Knott, and William Thorley, otherwise Fawley, otherwise Wilkes, on the said fourth day of March, in the thirteenth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully did enter into a certain paddock of our said the king there situate, the said paddock being fenced in and inclosed, wherein a certain pond of water then and there was, and did then and there steal and take twenty-four fish called carp, of the value of twenty-four shillings, of the goods and chattels of our said sovereign lord the king, then and there being and then and there bred and kept in such pond of water aforesaid, without the consent of our said lord the king, then and there being the owner thereof, against the form of the statute in such case made and provided, and also against the peace of our said lord the king, his crown and dignity.

2d Count. A paddock.

E. BEARCROFT.

BUCKINGHAMSHIRE, to wit. The jurors for our lord the king upon their oath present, that Giles Rose, late of the parish of Haddenham, in the said county of Buckingham, labourer, being an evil disposed person and a common cheat, and contriving and intending unlawfully, fraudulently, and deceitfully to cheat and defraud one Matthias Line, of the parish of Amersham, in the said county of Buckingham, victualler, of his monies for the support of his profligate way of life, on the twenty-fourth day of November, in the thirty-third year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, at the parish of A. in the county of B. aforesaid, unlawfully, knowingly, and designedly did falsely pretend to the said M. L. that one William Hammond was a gentleman of fortune, residing at Haddenham, in the county of Buckingham, and that divers large sums of money were due and owing from the said William Hammond to the said G. R. and that the said W. H. would accept and pay, according to the tenor and effect thereof, a certain bill of exchange in writing, then and there drawn by the said G. R. upon the said W. H. and dated the day and year aforesaid, and whereby the said Giles Rose required the said W. H. to pay to the said Matthias Line or order, the sum of thirty-one pounds ten shillings one week after date thereof, and to place the same to the account of him the said G. R. and then and there delivered the same to the said M. L. by which said false pretences the said G. R. did afterwards, to wit, on the twenty-seventh day of the same November, in the thirty-third year aforesaid, at the parish of A. aforesaid, in the county aforesaid, with force and arms, &c. unlawfully, knowingly, and designedly obtain from the said Matthias Line a large sum of money, to wit, the sum of five pounds ten shillings of the money of the said Matthias Line, with intent then and there to defraud him the said M. L. of the same: Whereas in truth and in fact the said W. H. was not then and there a gentleman of fortune residing at Haddenham in the county of B.; and whereas in truth and in fact there were not then and there divers large sums of money due and owing from the said W. H. to the said G. R.; and whereas in truth and in fact there was not then and there any sum of money whatsoever due and owing from the said W. H. to the said G. R.; and whereas in truth and in fact the said W. H. did not nor would accept the said bill of exchange; and whereas in truth and in fact the said W. H. did not, could not, nor would pay the said bill of exchange when the same became due, according to the tenor and effect of the said bill, or at any other time whatsoever, to the great damage and deception of the said M. L. to the evil example of all others in the like case offending, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present,

(a) Indictment for obtaining money under false pretence of drawing upon a person who, prisoner pretended, was indebted to him, and that he was a gentleman of fortune, whereas he was in fact a pauper, and not indebted.

S.P. Crown Cir. Com. tit. "Deceit."

(a) See Cheat, Fraud, False Pretences, ante p. 73.

that the ſaid G. R. being ſuch evil diſpoſed perſon, and ſuch common cheat as aforeſaid, and contriving and intending unlawfully, fraudulently, and deceitfully to cheat and defraud the ſaid M. L. of his monies for the ſupport of his profligate way of life, on the ſaid twenty-fourth day of November, in the thirty-third year of the reign aforeſaid, with force and arms, at the pariſh of A. aforeſaid, in the county aforeſaid, unlawfully, knowingly, and deſignedly did falſely pretend to the ſaid M. L. that the ſaid W. H. was a gentleman reſiding at Haddenham, in the county of B. and that the ſaid W. H. would pay a certain other bill of exchange in writing, then and there drawn by the ſaid G. R. upon the ſaid W. H. and dated the day and year laſt aforeſaid, and whereby the ſaid G. R. required the ſaid W. H. to pay to the ſaid M. L. or order, the ſum of thirty-one pounds ten ſhillings one week after date thereof, and to place the ſame to the account of him the ſaid G. R. and then and there delivered the ſame to the ſaid M. L.; by which ſaid falſe pretences the ſaid G. R. did afterwards, to wit, on the twenty-ſeventh day of the ſame November, in the thirty-third year aforeſaid, to wit, at the pariſh of A. aforeſaid, in the county aforeſaid, with force and arms, &c. unlawfully, knowingly, and deſignedly obtain from the ſaid M. L. a large ſum of money, to wit, the ſum of five pounds ten ſhillings of the money of the ſaid M. L. with intent then and there to defraud him the ſaid M. L. of the ſame: Whereas in truth and in fact the ſaid W. H. was not then and there a gentleman, reſiding at H. in the county of B.; and whereas in truth and in fact the ſaid W. H. was then and there a pauper, chargeable to and maintained by the ſaid pariſh of H. in the county of B.; and whereas in truth and in fact the ſaid W. H. did not, could not, nor would pay the ſaid laſt-mentioned bill of exchange, or any part of the money therein mentioned; and whereas in truth and in fact the ſaid W. H. at the time of drawing the ſaid laſt-mentioned bill of exchange, and alſo at the time therein mentioned for payment thereof, was wholly inſolvent and incapable of paying the ſame, which the ſaid Giles then and there well knew, to the great damage and deception of the ſaid M. L. to the evil example of all others in the like caſe offending, againſt the peace of our ſaid lord the king, his crown and dignity, and alſo againſt the form of the ſtatute in ſuch caſe made and provided.

Query. I think the indictment ſhould be in the county where the money was obtained.

On this indictment defendant was tried and convicted.

(a) Indictment againſt a beer-brewer for ſelling beer in caſks ſhort of meaſure, contrary to the ſtatute of 23. Hen. 8. c. — and Counts for a cheat at common law in ſelling beer in falſe firkins and kilderkins.

SOMERSETSHIRE, to wit. The jurors for our ſovereign lord the king upon their oath preſent, that R. V. Nooke, late

(a) See Cheat, Fraud, Falſe Pretences, ante p. 73.

of beer-brewer, being an evil disposed person, and devising, designing, and intending to impose upon one William Clavil, and to cheat and defraud him of his money, heretofore, after the feast of Lammas, mentioned in a certain act of parliament, made in the twenty-third year of the reign of king Henry the Eighth, entitled, "An Act concerning the new Making of Barrels, Kil-"derkins, and other Vessels," to wit, on the seventeenth day of July, in the year of Our Lord 1792, at , in the county of S. he the said defendant then and there being a beer-brewer, did falsely and fraudently put to sale, and did then and there sell to the said W. C. for a large sum of money, to wit, the sum of three shillings and sixpence, beer to be spent and used within this realm to wit, at aforesaid, in a certain vessel of wood in and for a firkin, but which said firkin did not nor would then and there contain and hold the full and just measure of nine gallons, as by the said statute is directed and required, but the contents and gauge of which said firkin was then and there under that measure, to wit, of the measure of six gallons and two pints and no more, contrary to the form of the statute in such case made and provided, to the great damage and deceit of the said W. C. to the evil example of all others in the like case offending, and against the peace of our lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said defendant then and there being a beer-brewer, and being such evil disposed person as aforesaid, and devising, designing, and intending to impose upon the said W. C. and to cheat and defraud him of his money as aforesaid, after the feast of Lammas in the said act mentioned, to wit, on the said seventeenth day of July, in the year of Our Lord 1792, at aforesaid, in the county aforesaid, did falsely and fraudulently put to sale, and did then and there sell to the said W. C. beer to be spent and used within this realm, to wit, at aforesaid, in a certain vessel of wood, as and for a firkin, but which said firkin was not then and there made and marked by an artificer of coopers in manner as by the said statute is directed and required, contrary to the form of the statute in such case made and provided, to the great damage of the said W. C. to the evil example, &c. and against the peace, &c. (two more counts, saying kilderkins instead of firkins, seven shillings instead of three shillings and sixpence, and eighteen gallons instead of nine.)

OTHER MISDEMEANORS.

Indictment against a midwife for engaging the delivering of a woman, and so unskilfully using the art that she died.

MIDDLESEX, to wit. The jurors for our lord the king upon their oath present, that Anne, the wife of T. A. late of, &c. gentleman, being a person of a wicked mind and disposition, and unlawfully, wickedly, and injuriously minding and intending to impose upon and deceive divers liege subjects of our said lord the king, under the false colour and pretence that she the said A. A. was well skilled in the art, profession, or calling of a midwife, and that she was of sufficient knowledge and ability to undertake and practice the said art, profession, or calling, and to execute and perform the duties of such art, and also unlawfully, &c. going about, and causing and procuring herself the said A. A. to be engaged, retained, and employed by divers liege subjects of our said lord the king in the delivery of pregnant women, for large sums of money to be paid to her the said A. A. for such her pretended skill in the said art, &c. of a midwife, on, &c. in the year of the reign of, &c. with force and arms, &c. at, &c. in, &c. unlawfully did set up and practise the said art of a midwife: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. A. so having set up, used, and practised the said art, &c. on, &c. at, &c. in pursuance of her aforesaid wicked intentions, did cause and procure herself the said A. A. to be retained and employed in the said art, &c. to deliver one M. D. then the wife of J. D. of the parish and county aforesaid, butcher, of a certain male child with which she the said M. D. was then and there pregnant, for a certain large sum of money to be thereupon paid to her the said A. A. for her attendance on the said M. D. and for her skill and ability in the said art, &c. of a midwife, and the said A. A. then and there unlawfully, &c. did undertake and deliver the said M. D. of the said male child with which she was then pregnant as aforesaid, and did then and there unlawfully, &c. falsely pretending that she the said A. A. was of sufficient skill and ability, and of sufficient knowledge in the said art, &c. of a midwife to execute and perform the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. A. not regarding the life of the said M. D. or of the child with which she was so pregnant as aforesaid, and being wholly unskilled in the said art, &c. of a midwife, and of no ability to perform and execute the duties thereof, and neglecting and refusing necessary advice and assistance on, &c. at, &c. in for and about the delivery of the said M. D. of the said child with which she was so pregnant as aforesaid, with force and arms unlawfully, wickedly, ignorantly, rashly, injuriously, unskilfully, improperly, unnecessarily, and contrary to good practice in the said art, &c. of a midwife, did then and

and there cut off, tear off, pull off, separate, sever, and dismember the left arm of the said child with which she the said M. D. was so pregnant as aforesaid, and of which child the said M. D. was was then and there about to be delivered, and did also then and there unskilfully, &c. and contrary, &c. make use of and apply in and about the said delivery of the said M. D. certain destructive instruments, to wit, a certain instrument called perforating scissars, and also a certain other instrument called a crotchet; and the said several instruments called perforating scissars and a crotchet did then and there unskilfully, &c. and contrary, &c. introduce, make use of, and apply in and to the womb and body of the said M. D. and with the said destructive instruments called, &c. did then and there unlawfully, &c. and contrary, &c. break in pieces, crush, and destroy the ribs and other parts of the body of the said male child with which she the said M. D. was so pregnant, and of which she was so then and thereabout to be delivered as aforesaid, within the womb and body of the said M. D. by reason and means of which said unlawful, wicked, injurious, &c. cutting off the arm of the said child as aforesaid, and also of the said unlawful, &c. use and abuse of the said several instruments called, &c. as also by reason and means of the breaking in pieces, crushing, and destroying the ribs, and other parts of the body of the said child as aforesaid, within the womb and body of the said M. D. as aforesaid, the womb, *vagina abdomen*, and other parts of generation, and of the body of the said M. D. were by the broken bones of the said child, and by the said instruments called, &c. then and there greatly torn, lacerated, extended, wounded, injured, and hurt, and a great and violent effusion and discharge of blood from the womb and body of the said M. D. was thereby then and there occasioned, of which said tearing, laceration, extension, wounding, injuring, and hurting of the womb, *vagina abdomen*, and other parts of generation, and other parts of the body of the said M. D. as aforesaid, and of the great and violent effusion, &c. of blood from the womb and body of the said M. D. occasioned thereby as aforesaid, she the said M. D. from, &c. until, &c. at, &c. did languish and languishing did live, on which said day of, &c. she the said M. D. at, &c. of the said laceration, &c. of the womb, &c. and of the body of the said M. D. in manner and form aforesaid, and of the great and violent effusion, &c. of blood from the womb and body of the said M. D. died, to the great scandal, infamy, and disgrace of human nature, and of the midwives of this kingdom, to the very great damage of the said J. D. in evil example of all others in the like case offending, *and against the peace of our said lord the king, his crown and dignity* (*a*).

(*a*) An action or information, "*qui tam*," need not conclude "*contra pacem*," or in "*contemptum domini regis*," as an indictment must. Cro. Jac. 529. Cro. Eliz. 835.

N. B.

N. B. It is not a good plea in abatement of an indictment, as it is of an appeal or information that there is another indictment against defendant for the same offence, but in such a case the court in discretion will quash the first indictment, 2 Hawk, P. C. 367.

Indictment for disturbing a congregation.

MIDDLESEX. The jurors for our lord the king upon their oath present, that at the general quarter sessions of the peace of our sovereign lord George the Third, king of Great Britain, &c. holden for the county of Middlesex, at Hicks's Hall, in Saint John-street, in the said county, by adjournment, on the day of , in the year of the reign of our sovereign lord George the Third, king of Great Britain, &c. before Sir John Hawkins, knight, and others their fellows, then justices of our said lord the now king, assigned to keep the peace in the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and others misdemeanors committed in the said county A. B. clerk, teacher, or preacher to a congregation of protestants dissenting from the church of England, scrupling infant baptism, pursuant to the statute in that case made and provided, did certify to his majesty's justices of the peace for the said county, assembled in quarter sessions aforesaid, that he had appointed a certain house situate at in Staines, in the parish of , in the county of Middlesex, to assemble and meet in and for religious worship, which at the same general quarter sessions of the peace *was registered and recorded in manner and form aforesaid, according to the direction of the said act:* And the jurors aforesaid, upon their oath aforesaid, do further present, that afterward, to wit, on the fourteenth day of January, in the twenty-first year of the reign of our said lord the now king, the same being the Lord's day, about the hour of seven in the afternoon of the same day, a congregation of protestants dissenting from the church of England, of which one Richard Burnham was then the teacher or preacher, were assembled for the public worship and service of Almighty God in the house aforesaid, being the same house so certified, registered, and recorded as aforesaid; and that one James Wilson, late of the parish of Staines, in the said county of Middlesex, yeoman, John Wicks, late of the same, labourer, Thomas Reelly, late of the same, labourer, John Wear, late of the same, labourer, and Francis Roe, late of the same, labourer, not regarding the laws and statutes of this realm, afterwards, to wit, on the same fourteenth day of January, in the twenty-first year of the reign of our said lord the now king, with force and arms at the same parish and county, willingly and of purpose maliciously and contemptuously did come into the said congregation (being then a congregation allowed by the act of parliament aforesaid), and disquiet and disturb the same congregation during the time of divine service, by then and there talking, cursing, and swearing with a loud voice, and also by talking with a loud voice

to

to the ſaid Richard Burnham, then and there being in the pulpit (the doors of the ſaid meeting-houſe and place where the ſaid congregation was ſo aſſembled not being then locked, barred, or bolted), to the evil example of all others in the like caſe offending, againſt the peace of our ſaid lord the king, his crown and dignity, and alſo againſt the form of the ſtatute in ſuch caſe made and provided: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the aforeſaid James Wilſon, John Wicks, Thomas Reelly, John Wear, and Francis Roe, on the ſame fourteenth day of January and year aforeſaid, with force and arms, at the pariſh of Staines aforeſaid, in the county aforeſaid, did willingly and of purpoſe maliciouſly and contemptuouſly come into a certain congregation of proteſtants diſſenting from the church of England, and ſcrupling infant baptiſm, then and there aſſembled in the meeting-houſe of Richard Burnham, there ſituate for the worſhip and ſervice of Almighty God (which ſaid congregation was there permitted by a certain act of parliament made in the firſt year of the reign of their late majeſties king William and queen Mary of England, and ſo forth, entitled, "An "Act for exempting their Majeſty's Proteſtant Subjects, diſſent-"ing from the Church of England, from the Penalties of certain "Laws"), and of which congregation the ſaid Richard Burnham was then and there teacher or preacher; and they the ſaid James Wilſon, John Wicks, Thomas Reelly, John Wear, and Francis Roe did then, to wit, at the ſame time when they ſo came into the ſaid congregation, there diſquiet and diſturb the ſaid congregation by talking, laughing, curſing, and ſwearing with a loud voice, the ſaid Richard Burnham then and there being in the pulpit (the ſaid meeting-houſe where the congregation was ſo aſſembled being then and long before regiſtered and recorded according to the direction of the ſaid laſt mentioned act of parliament, and the doors of the ſaid meeting-houſe and place where the ſaid congregation was ſo aſſembled not being then locked, barred, or bolted), to the evil example of all others in the like caſe offending, againſt the peace of our ſaid lord the king, his crown and dignity, and againſt the form of the ſtatute in ſuch caſe made and provided.

2d Count. Aſſembled and permitted by act 8. W. & M.

CHESHIRE, ſſ. The jurors for our ſovereign lord the king upon their oath preſent, that within the hundred of Macclesfield, in the county of Cheſter, there now is and from time whereof the memory of man is not to the contrary, there hath been a certain common gaol of our ſaid lord the king for the purpoſe of keeping in ſafe cuſtody offenders and priſoners within the ſame, ſituate and being at Macclesfield, in the ſaid county, and parcel of a certain tenement commonly called the gaol tenement, otherwiſe the gaol houſe there, and that on the day of , in the year of the reign of our ſovereign lord George the Third, king of Great Britain,

Indictment againſt a mortgagee in poſſeſſion of a gaol of a liberty and hundred court for not repairing it, whereby the priſoners therein could not be kept ſafely, and opinion on the caſe.—S. P. Dogharty's Cr. Cir. Aſſiſtant.

Britain, &c. and continually from thence until the day of taking this inquiſition, the ſaid gaol hath been and ſtill is greatly ruinous, in decay, and out of repair for want of needful and neceſſary repairing and amending the ſame, ſo that offenders and priſoners during ſuch time could not, nor can they now be kept in ſafe and ſecure cuſtody within the ſame gaol as they ought and were wont to be, and ſtill ought to be, to the great hindrance and obſtruction of juſtice, to the great damage of his majeſty's liege ſubjects, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that George Warrington, late of A. for and during all the time aforeſaid, was and ſtill is owner and occupier of the ſaid tenement, and that the ſaid George Warrington is owner and occupier of the ſaid tenement, and all others the owners and occupiers thereof for the time being, from time whereof the memory of man is not to the contrary, until the time of ſuch nuiſance have repaired and amended, and have been uſed and accuſtomed to repair and amend, and the ſaid George Warrington ſtill of right ought to repair and amend the ſaid gaol, ſo being ruinous, in decay, and out of repair as aforeſaid, when and as often as occaſion hath required or ſhall or may be or require, and that the ſaid George Warrington has not yet done the ſame, &c. (2d Count as occupier only; 3d Count, bailiff and keeper of the gaol of the liberty of the hundred of Macclesfield, in the ſaid county of Cheſter.)

This caſe appears to me to be not without ſome difficulties; but as it is ſtated that the offices of bailiff and keeper of the gaol have always gone together, and been exerciſed by the owner of the goal for the time being, I think the beſt courſe that can be taken is to indict the preſent mortgagee in poſſeſſion (George Warrington) for not keeping the gaol in proper and ſufficient repair. The indictment will charge him in one Count as the owner and occupier of the gaol tenement; and that by reaſon of his tenure he is bound to keep the gaol in a ſtate of proper and ſufficient repair, for the reception and ſafe cuſtody of the priſoners; in another, as occupier only; and another, as bailiff and keeper of the gaol of the liberty of the hundred of Macclesfield, ſtating, in all of them, that he is chargeable with the burthen, *ratione tenuræ*. I do not ſee any other means by which a repair of the gaol can be compelled but by indictment or information on the grounds above ſuggeſted. F. Bowyer.

(a) AGAINST JUSTICES OF THE PEACE.

Indictment againſt juſtices for partiality in refuſing to grant a licenſe,

MIDDLESEX, to wit. The jurors of our ſovereign lord the king upon their oath preſent, that Robert Bird Gabriel, late of the pariſh of Harlington, in the ſaid county of Middleſex, doctor in divinity, on the ſeventeenth day of September, in the

(a) See Conſpiracy, p. 125 ante, and Information againſt Juſtices poſt.

thirty-

thirty-ſecond year of the reign of our ſovereign lord George the Third, now king of Great Britain, &c. and long before was, and continually from thence hitherto hath been, and ſtill is one of the juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king in and for the ſaid county of Middleſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſaid county, acting in a certain diviſion in the ſaid county, commonly called the Uxbridge diviſion, in which ſaid diviſion the pariſh of Harmondſworth, in the ſaid county of Middleſex, then lay and now lies, and then was and now is ſituate: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that on the ſaid ſeventeenth of September, in the thirty-ſecond year aforeſaid, at Uxbridge, in the ſaid county of Middleſex, a general meeting of the juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king, in and for the ſaid county of Middleſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſaid county, acting in and for the ſaid diviſion of the ſaid county, in which the pariſh of Harmondſworth then lay and now lies, and was and is ſituate as aforeſaid, was duly held for the purpoſe of licenſing perſons to keep common inns and ale-houſes within the ſaid diviſion, according to the form of the ſtatute in ſuch caſe made and provided, by and before the ſaid Robert Bird Gabriel, as ſuch juſtice as aforeſaid, and certain other perſons, to wit A. Baynes, Thomas Fellows, Thomas Biſhop, and Edward Hillier, eſquires, then and there alſo being juſtices aſſigned to keep the peace of our ſaid lord the king in and for the ſaid county of Middleſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſaid county, acting in and for the ſaid diviſion: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that one Berry Haynes, being a perſon of good fame, and of ſober life and converſation, and being then and there deſirous of keeping a common inn or ale-houſe, in a certain houſe ſituate and being within the ſaid pariſh of Harmondſworth, in the ſaid county of Middleſex, and within the diviſion aforeſaid, commonly called and known by the name or ſign of the Magpie and Pigeons (in which ſaid houſe the trade and buſineſs of a victualler was then carried on, under and by virtue of a certain licence before then for that purpoſe duly granted unto one John Meads then lately deceaſed), he the ſaid Berry Haynes did then and there at the ſaid general meeting apply to the ſaid juſtices to grant to him the ſaid Berry Haynes a licence to keep a common inn or ale-houſe in the ſaid houſe ſo called and known by the name or ſign of the Magpie and Pigeons as aforeſaid, for the ſpace of one year, to commence on the twenty-ninth day of the ſame September, in the thirty-ſecond year aforeſaid, and did then and there, at the ſaid general meeting, produce to and before the ſaid juſtices ſo then and there

met

met for the purpose of granting such licences as aforesaid, a certificate under the hands of the then churchwardens and overseers of the poor, and of seven then reputable and substantial householders and inhabitants of the said parish of Harmondsworth, in which the said house for which such licence was so applied for by the said Berry Haynes as aforesaid was and is so situate as aforesaid, of his the said Berry Haynes's being a person of good fame and of sober life and conversation, and the said Berry Haynes was then and there ready to enter into a recognizance with sufficient sureties for the maintainance of good order and rule within the same house, pursuant to the statute in such case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Bird Gabriel, so being such justice as aforesaid, and acting as aforesaid, not regarding his duty as such justice, but wrongfully, and maliciously, and corruptly intending to oppress, injure, hurt, and aggrieve the said Berry Haynes, by colour of his said office of a justice of the peace as aforesaid, did then and there at the said meeting so held on the said seventeenth day of September, in the thirty-second year aforesaid, at Uxbridge aforesaid, in the said county of Middlesex, corruptly, maliciously, and unjustly, and without any lawful or reasonable cause whatsoever, and from motives of private partiality and favour unto and towards one Richard Smith the then keeper of a certain other ale-house, situate in the division aforesaid, that is to say, a certain common ale or victualling house then kept by the said Richard Smith, situate in the parish of Harlington, in the said county of Middlesex, in the said division, commonly called and known by the name or sign of the Coach and Horses, refuse to grant to the said Berry Haynes the said licence so by him applied for as aforesaid, and did then and there corruptly, maliciously, and unjustly prevent and hinder such licence from being granted to the said Berry Haynes, to the great damage of the said Berry Haynes, in breach and violation of the duty of the said Robert Bird Gabriel, as such justice as aforesaid, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, on their oath aforesaid, do further present, that heretofore, to wit, on the said seventeenth day of September, in the thirty-second year aforesaid, at Uxbridge aforesaid, in the said county of Middlesex, a general meeting of the justices of our said lord the king, assigned to keep the peace of our said lord the king, in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said county, acting in and for a certain division of the said county called the Uxbridge division, was duly held for the purpose of licensing persons to keep common inns and ale-houses within the said division for the space of one year, to commence on the twenty-ninth day of the same September, in the thirty-second year aforesaid, according to the form of the

statute

ſtatute in ſuch caſe made and provided, by and before the ſaid Robert Bird Gabriel and certain other perſons, to wit, A. Baynes, Thomas Fellows, Thomas Biſhop, and Edward Hillier; he the ſaid Robert Bird Gabriel and the ſaid other perſons, to wit, A. Baynes, Thomas Fellows, Thomas Biſhop, and Edward Hillier, then and there being juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king, in and for the ſaid county of Middleſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed within the ſaid county, acting in and for the ſaid diviſion: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Berry Haynes, being a perſon of good fame and of ſober life and converſation, and being then and there deſirous to keep a common inn or ale-houſe, in a certain houſe then lately kept by one John Meads, deceaſed, ſituate and being in the pariſh of Harmondſworth aforeſaid, within the diviſion and county aforeſaid (in which ſaid houſe the ſaid John Meads, deceaſed, had been duly licenſed to keep and had accordingly kept a common inn or ale-houſe, in the year next preceding the ſaid laſt-mentioned meeting), he the ſaid Berry Haynes did then and there at the ſaid laſt-mentioned general meeting apply to the ſaid laſt-mentioned juſtices to grant unto him the ſaid Berry Haynes a licence to keep a common inn or ale-houſe in the ſaid houſe ſo kept by the ſaid John Meads, deceaſed, as laſt aforeſaid, for the term of one year, to commence from the twenty-ninth day of September, in the thirty-ſecond year aforeſaid, and did then and there at the ſaid laſt-mentioned meeting produce to and before the ſaid juſtices ſo then and there met for the purpoſe of granting ſuch licences as aforeſaid, a certificate under the hands of the then churchwardens and overſeers, and of ſeven then reputable and ſubſtantial houſeholders and inhabitants of the ſaid pariſh of Harmondſworth, in which the ſaid houſe for which ſuch licence was ſo applied for by the ſaid Berry Haynes as laſt aforeſaid, was and is ſo ſituate as aforeſaid; of the ſaid Berry Haynes being a perſon of good fame and of ſober life and converſation, and the ſaid Berry Haynes was alſo then and there ready to enter into a recognizance with ſufficient ſurety for the maintainance of good order and rule within the ſaid laſt-mentioned houſe, purſuant to the ſtatute in ſuch caſe made and provided: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid Robert Bird Gabriel, ſo being ſuch juſtice as laſt aforeſaid, and acting as laſt aforeſaid, well knowing the premiſes laſt-mentioned, and not regarding his duty as ſuch juſtice, and wrongfully and maliciouſly intending to oppreſs, injure, hurt, and aggrieve the ſaid Berry Haynes, by colour of his ſaid office of a juſtice of the peace as aforeſaid, did then and there at the ſaid meeting ſo holden as laſt aforeſaid, on the ſaid ſeventeenth day of September, in the thirty-ſecond year aforeſaid, at Uxbridge aforeſaid, in the ſaid county of Middleſex, corruptly

corruptly and maliciouſly and without any lawful or reaſonable cauſe whatſoever, and from motives of private partiality and favour unto and towards one Richard Smith, the then keeper of a certain other ale-houſe, ſituate in the diviſion aforeſaid, in the ſaid pariſh of Harlington, in the ſaid county of Middleſex, refuſe to grant and did not grant ſuch licence to the ſaid Berry Haynes as laſt-aforeſaid, to the great damage of the ſaid Berry Haynes, in breach and violation of the duty of the ſaid Robert Bird Gabriel, as ſuch juſtice as laſt aforeſaid, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the now king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that heretofore, to wit, on the ſaid ſeventeenth day of September, in the thirty-ſecond year aforeſaid, at Uxbridge aforeſaid, in the ſaid county of Middleſex, a general meeting of the juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king in and for the ſaid county of Middleſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed within the ſaid county, acting in and for the ſaid diviſion of the ſaid county, called the Uxbridge diviſion, was duly held for the purpoſe of licenſing perſons to keep common inns and ale-houſes within the ſaid diviſion, for the ſpace of one year, to commence on the twenty-ninth day of the ſame September, in the thirty-ſecond year aforeſaid, according to the form of the ſtatute in ſuch caſe made and provided, by and before the ſaid Robert Bird Gabriel and certain other perſons, to wit, A. Baynes, Thomas Fellows, Thomas Biſhop, and Edward Hillier, he the ſaid Robert Bird Gabriel and the ſaid other perſons, to wit, A. Baynes, Thomas Fellows, Thomas Biſhop, and Edward Hillier then and there being juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king in and for the ſaid county of Middleſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed within the ſaid county, acting in and for the ſaid diviſion; and that the ſaid Berry Haynes being a perſon of good fame, and of ſober life and converſation, did then and there at ſuch meeting as laſt aforeſaid apply to and requeſt the ſaid Robert Bird Gabriel, and ſuch other juſtices as laſt aforeſaid, ſo then and there met at ſuch meeting as laſt aforeſaid, to grant to him the ſaid Berry Haynes a licence under their hands and ſeals to keep a common inn or ale-houſe in a certain houſe ſituate and being in the pariſh of Harmondſworth, in the ſaid county of Middleſex, and within the diviſion aforeſaid, for the ſpace of one year, to commence on the twenty-ninth day of September, in the thirty-ſecond year aforeſaid, and did then and there at the ſaid laſt-mentioned meeting, produce to and before the ſaid juſtices, ſo then and there met for the purpoſe of granting ſuch licences as aforeſaid, the certificate by law required of him the ſaid Berry Haynes being a perſon of good fame, and of ſober life and converſation,

and

and was then and there ready to enter into a recognizance with sufficient surety, according to the form of the statute in such case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Bird Gabriel, so being such justice as last aforesaid, and acting as last aforesaid, well knowing the premises last mentioned, and not regarding his duty as such justice as last aforesaid, and wrongfully and maliciously intending to oppress, injure, hurt, and aggrieve the said Berry Haynes, by colour of his said office of a justice of the peace as aforesaid, did then and there at the said meeting, so holden as last aforesaid, on the said seventeenth day of September, in the thirty-second year aforesaid, at Uxbridge aforesaid, in the said county of Middlesex, corruptly and maliciously, and without any lawful or reasonable cause whatsoever, and from motives of private partiality, refuse to grant and did not grant such licence to the said Berry Haynes as last aforesaid, to the great damage of the said Berry Haynes, in breach and violation of the duty of the said Robert Bird Gabriel, as such justice as last aforesaid, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity.

V. LAWES.

PROCEEDINGS BEFORE JUSTICES.

(a) Information and conviction on the post-horse act, with warrant of distress, and warrant to apprehend, and the commitment

SURRY. TOWN AND LIBERTY OF KINGSTON UPON THAMES. Be it remembered, that on the fourth of June, A. D. 1789, at the town of Kingston upon Thames, in the county of S. Robert Hatfield, of Union-street, Deptford, in the county of Kent, gentleman, in his own proper person comes before me Robert Westrope, gentleman, one of his majesty's justices of the peace in and for the town and liberty, residing near the place where the offence herein-after mentioned was committed, and as well for our lord the king as for himself in this behalf, exhibits to and before me the said justice an information and complaint, and thereby informeth me that Francis Rummeger, of the parish of Thames Ditton, in the county of S. within the liberty of K. upon Thames aforesaid, in the same county, after the first of August 1785, mentioned in a certain act of parliament passed in the twenty-fifth year of the reign of his present majesty, entitled, "An Act for Repealing the Duties "on Licences taken out by Persons letting Horses for the Pur-"pose of travelling Post, and on Horses let to hire for travelling "Post and by Time, and on Stage-coaches, and for granting other "Duties in Lieu thereof, and also additional Duties on Horses "let to hire for travelling Post and by Time," and within six

(a) See Informations, &c. Proceedings before Justices, post.

calendar months now laſtpaſt, to wit, on the third day of this preſent month of June ÷ at the ſaid pariſh of Thames Ditton, in the ſaid county, and within the liberty aforeſaid, did let out to one A. B. a certain horſe for hire, to draw a chaiſe with two wheels, commonly called a ſingle horſe chaiſe (upon which a certain rate or duty, at the time of paſſing the ſaid act, under the management of the commiſſioners of exciſe, was reſerved or made payable), for a leſs period of time than a day, he the ſaid F. R. at the time of letting out the ſaid horſe as aforeſaid being a perſon required by the ſaid act to be licenſed for that purpoſe, and not being in any manner licenſed, authorized, or enabled ſo to do, ÷ contrary to the form of the ſtatute in ſuch caſe made and provided, for which ſaid offence the ſaid F. R. hath forfeited the ſum of ten pounds of lawful, &c.: And thereupon the ſaid informant, who proſecutes as aforeſaid, prays the conſideration and judgment of me the ſaid juſtice in the premiſes, and that the ſaid F. R. may be convicted of the ſaid offence, and that one half of the forfeiture, together with full coſt of ſuit, may be adjudged to him the ſaid informant, and that the ſaid F. R. to anſwer the premiſes and make defence thereto, according to the form of the ſtatute.

Exhibited and received the day and year firſt above written, and ſummons iſſued for a hearing on the ſixth of June inſtant, at three of the clock in the afternoon of the ſame day, at the Caſtle Inn, at the town of K. upon T. aforeſaid. } ROBERT HATFIELD.

R. WESTROPE.

Conviction.

Surry. Town and Liberty of Kingſton upon Thames. Be it remembered, that on the ſixth day of June, in the twenty-ninth year of the reign of our ſovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland king, defender of the faith, &c. and in the year of Our Lord 1789, F. Rummeger, of the pariſh of Thames Ditton, in the county of S. within the liberty of Kingſton upon Thames, in the ſaid county, coach-maker, was duly convicted before me Richard Weſtrope, gentleman, one of his majeſty's juſtices of the peace in and for the ſaid town and liberty, reſiding near the place where the offence herein-after mentioned was committed, in purſuance of an act paſſed in the twenty-fifth year of the reign of his preſent majeſty, entitled, "An Act for "repealing the Duties on Licences taken out by Perſons letting "Horſes for the purpoſe of travelling Poſt, and on Horſes let "to hire for travelling Poſt and by Time, and on Stage Coaches, "and for granting other Duties in Lieu thereof, and alſo addi-"tional Duties on Horſes let to hire for travelling Poſt and by "Time;" for that the ſaid Francis Rummeger after the firſt day of Auguſt 1785, in the ſaid act mentioned, and within ſix calendar months now laſt paſt, to wit, on the third day of this preſent

ſent month of June, at, &c. (as between the two marks ÷ on the laſt page), contrary to the form of the ſtatute in ſuch caſe made and provided: And I do declare and adjudge, that he the ſaid F. R. hath forfeited for his ſaid offence the ſum of ten pounds of lawful money, &c. which ſum of ten pounds I do hereby mitigate to the ſum of five pounds, to be diſtributed as the law directs; and I do hereby allow unto Robert Hatfiell, of Union-ſtreet, Deptford, in the county of K. gentleman, who informed me of the ſaid offence, and ſued for the ſaid penalty, for his coſts and charges, as well in making the diſcovery as in the proſecution aforeſaid, the further ſum of four pounds of like, &c. being a reaſonable allowance in that behalf, and do award and adjudge the ſaid ſum of four pounds to be paid by the ſaid F. R. over and above ſuch mitigation as aforeſaid: this is the firſt offence. Given under my hand and ſeal at the town of Kingſton upon Thames aforeſaid, the day and year firſt above written.

RICH. WESTROPE. (L. S.)

The firſt part of this conviction is drawn in purſuance of a form given by the 5th ſection of the 26 Geo. 3. c. 82. in all caſes of pecuniary forfeiture for offences, to wit, in any of the duties under the management of the commiſſioners of ſtamps.

S. MARRYATT.

Warrant of diſtreſs.

Surry. Town and Liberty of Kingſton upon Thames. To the conſtables of the pariſh of Thames Ditton, in the county of S. within the liberty of Kingſton upon Thames, in the ſaid county: Whereas Francis Rummeger of the ſaid pariſh of Thames Ditton, coachmaker, was on the ſixth day of June now laſt paſt duly convicted before me Richard Weſtrope, gentleman, one of his majeſty's juſtices of the peace in and for the town and liberty aforeſaid, reſiding near the place wherein the offence hereinafter mentioned was committed, in purſuance of an act, paſſed in the twenty-fifth year of the reign of his preſent majeſty, entitled, &c. (as in the conviction from the title of the words) contrary to the form of the ſtatute in ſuch caſe made and provided; and I then and there declared and adjudged that the ſaid Francis Rummeger had forfeited for his ſaid offence the ſum of ten pounds of lawful money of Great Britain, which ſum of ten pounds I by the ſaid conviction mitigated to the ſum of five pounds, to be diſtributed as the law directs; and I thereby allowed to Robert Hatfiell, of Union-ſtreet, Deptford, in the county of K. gentleman, who informed me of the ſaid offence and ſued for the ſaid penalty, for his coſts and charges, as well in making the diſcovery as in the proſecution aforeſaid, the further ſum of four pounds of like, &c. being a reaſonable allowance in that behalf, and awarded and adjudged the ſaid ſum of four pounds to be paid by the ſaid F. R. over and above ſuch mitigation as aforeſaid: And whereas the ſaid two ſeveral ſums of five pounds and four pounds ſtill remain wholly unpaid, theſe are therefore to command you to levy the ſaid two ſeveral

ſums of five pounds and four pounds by diſtreſs of the goods of the ſaid F. R. within the liberty aforeſaid; and if within ſix days next after ſuch diſtreſs the ſame ſhall not be redeemed by payment of the ſaid ſeveral ſums, together with the reaſonable charges of taking of the ſaid diſtreſs, then that you ſell the goods by you diſtrained, and that out of the money which ſhall be paid to you, or which ſhall ariſe by ſuch ſale, you pay one half of the ſaid ſum of five pounds, and the whole of the ſaid ſum of four pounds to the ſaid Robert Hatfiell, who informed me of the ſaid offence and ſued for the ſaid penalties as aforeſaid, and the other half of the ſaid ſum of five pounds to of in the ſaid county of S. for the uſe of his majeſty (the ſaid being authorized by the major part of the commiſſioners for managing the duties on ſtamp vellum, parchment, and paper ſo to receive the ſame), returning the overplus, if any, upon demand, to the ſaid F. R. the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs being firſt deducted, and that you certify unto me what you ſhall do by virtue of this warrant. Given under my hand and ſeal, at the town of Kingſton upon Thames aforeſaid, the day of October, in the year of Our Lord 1789.

RICHARD WESTROPE. (L.S.)

By the 26. Geo. 3. c. 82. ſ. 4. his majeſty's ſhare of this penalty is to be paid either to the receiver-general of theſe duties or ſome other perſons authorized by the commiſſioners to receive the ſame. S. MARRYATT.

Warrant to apprehend, and the commitment

Surry. Town and Liberty of Kingſton upon Thames. To the conſtable of the pariſh of Thames Ditton, in the county of Surry, within the liberty of Kingſton upon Thames, in the ſaid county, and to the keeper of the houſe of correction at Kingſton upon Thames aforeſaid: Whereas Francis Rummeger, of the ſaid pariſh, &c. &c. (reciting the conviction, mitigation of the penalty, and adjudication of coſts as in the warrant of diſtreſs *verbatim*); and whereas by a certain warrant under my hand and ſeal, bearing date at the town of Kingſton upon Thames aforeſaid, the day of October now laſt paſt (the ſaid two ſeveral ſums of five pounds and four pounds then remaining wholly unpaid) I commanded you the ſaid conſtable to levy the ſaid two ſeveral ſums by diſtreſs and ſale of the goods of the ſaid Francis Rummegar, within the liberty aforeſaid, and to pay and diſtribute the ſame reſpectively, as in ſuch warrant is directed; and whereas it duly appears to me by the return of you the ſaid conſtable, dated this day, that no goods or chattels of the ſaid Francis Rummeger can be found to anſwer the ſeveral ſums of money by the ſaid warrant directed to be levied, *theſe* are therefore to *command* you the ſaid conſtable to apprehend the ſaid Francis Rummeger, and convey him to the houſe of correction at Kingſton upon Thames aforeſaid, and there deliver him to the ſaid keeper thereof, together with this warrant; and alſo to command you the ſaid keeper of the

the ſaid houſe of correction to receive the ſaid Francis Rummegar into your cuſtody in the ſaid houſe of correction, and there to keep him for the ſpace of ſix months, unleſs the ſaid ſeveral ſums of five pounds and four pounds ſhall be ſooner paid or ſatisfied, and for your ſo doing this ſhall be your ſufficient authority. Given under my hand and ſeal, at the town of Kingſton upon Thames aforeſaid, the day of November, in the year of Our Lord 1789.

R. WESTROPE. (L. S.)
S. MARRYATT.

INFORMATIONS ON STATUTES,

RELATING TO EXCISE, &c.

BY

THE ATTORNEY GENERAL.

ASSAULT, RIOT, RESCUE.

THAT one John Davis, one of the officers of and for his majesty's duties of excise, having cause to suspect that foreign spirituous liquors were found fraudulently hid and concealed in some place or places in or about the houses of Charles Row, John Widdecombe, Samuel Mathews, and James Webber, situate within the parish of Pannington, in the county of Devon, with intent to defraud his majesty of the duties thereon, did go before Thomas Taylor, esquire, one of his majesty's justices, assigned to keep the peace of our said lord the king in and for the said county of Devon, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county of Devon committed, and did then and there make affidavit upon the holy Gospel of God, before the said justice, and in such affidavit upon his oath declare the ground of his suspicion as to the said hiding and concealing of the said foreign spirituous liquors, according to the form of the statute in that case made and provided; and thereupon the said Thomas Taylor, so being such justice as aforesaid, on the eighth day of November, in the year of Our Lord 1785, to wit, at Westminster aforesaid, in the said county of Middlesex, did, according to the form of the statute in that case made and provided, make and grant his warrant in writing under his hand and seal, reciting, that the said Joseph Davis, one of the officers of his majesty's duties of excise, &c. (recite the warrant), and for so doing that should be to him and every of them a sufficient warrant, by virtue of which said warrant the said John Davis, on the said eighth day of November, in the year aforesaid, in the presence of one John Perrott, he the said John Perrott then and there being a constable for the said parish of Pannington, did attempt to enter into the house of the said John Widdecombe, in the said warrant named, for the purpose of searching therein for the said foreign

For obstructing and hindering an excise officer (under a warrant with a constable) from entering a house to search for foreign spirits, by standing with a prong in his hand and threatening bodily harm to the officer if he attempted to enter.

Would it not have been better to have stated the attempt to enter to have been made in the day time (as it really was), and then it would have been unnecessary to state that the officer attempted to enter in the presence of a constable.

ſpirituous liquors ſo ſuſpected to be concealed therein as aforeſaid, according to the form of the ſtatute in that caſe made and provided; yet one John Tucker, not regarding the ſtatute aforeſaid, did then and there obſtruct, oppoſe, moleſt, let, and hinder the ſaid John Davis, ſo being ſuch officer as aforeſaid, in the executing of the ſaid warrant, and did hinder and prevent the ſaid John Davis from entering the ſaid houſe of the ſaid John Widdecombe, in the ſaid warrant named, for the purpoſe aforeſaid, by then and there ſtanding with a prong in his hand, and threatening and menacing to do bodily harm to him the ſaid John Davis, if he ſhould attempt to enter the ſaid houſe of the ſaid John Widdecombe for the purpoſe aforeſaid, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſtatute in that caſe made and provided, the ſaid John Tucker hath forfeited for his ſaid offence the ſum of one hundred pounds.

11.G.1.c.30.ſ.2.

G. WOOD.

For obſtructing an exciſe officer under a warrant to ſearch for foreign brandy hid and concealed, in entering the houſe where he ſuſpected the brandy was.

THAT Joſeph Cooper, one of the officers of his majeſty's duties of exciſe, having cauſe to ſuſpect that foreign brandy and rum were fraudulently hid and concealed in ſome place or places in or about the houſe of Suſannah Hawkin, at Stow, in the pariſh of Kilkhampton, within the county of Cornwall, with an intent to defraud his majeſty of his duties thereon, did go before John Kingdon, eſquire, one of his majeſty's juſtices aſſigned to to keep the peace of our ſaid lord the king in and for the ſaid county of Cornwall, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county of Cornwall committed, and did then and there make affidavit upon the holy Goſpel of God before the ſaid juſtice, and in ſuch affidavit did upon his oath declare the ground of his ſuſpicion as to the ſaid hiding and concealing of the ſaid brandy and rum, according to the ſtatute in that caſe made and provided; and thereupon the ſaid John Kingdon, ſo being ſuch juſtice as aforeſaid, on the twenty-eighth day of February, in the year of Our Lord 1786, to wit, at Weſtminſter, in the county of Middleſex, did according to the form of the ſtatute in that caſe made and provided, make and grant his warrant in writing, under his hand and ſeal, reciting, that the ſaid Joſeph Cooper, one of the officers of his majeſty's duties of exciſe, &c. (recite the warrant), and for ſo doing that ſhould be to him and every of them a ſufficient warrant, by virtue of which ſaid warrant the ſaid Joſeph Cooper, on the ſaid twenty-eighth day of February, in the year aforeſaid, did in the day time go to the houſe of the ſaid Suſannah Hawkin, in the ſaid warrant named, for the purpoſe of entering into ſuch houſe and ſearching therein for the ſaid brandy and rum ſo ſuſpected to be hid and concealed therein as aforeſaid, and ſeizing ſuch brandy and rum, according to the ſtatute in that caſe made and provided; yet one Edward Hockin,

not

not regarding the ſtatute aforeſaid, did then and there obſtruct, oppoſe, moleſt, let, and hinder the ſaid Joſeph Cooper from entering the ſaid houſe of the ſaid Suſannah Hawkin, in the ſaid warrant named, for the purpoſe aforeſaid, and from executing ſuch warrant, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute the ſaid Edward Hockin hath forfeited for his ſaid offence the ſum of one hundred pounds. 11.G.1.c.10.ſ.2.

G. Wood.

Information for obſtructing an exciſe officer under a ſearch warrant from entering into a houſe where he ſuſpected ſmuggled ſpirits, by keeping the outward door locked and faſtened, and refuſing to open the ſame on requeſt, ſo that the officer might execute the warrant.

THAT one B. L. one of the officers of and for his majeſty's duties of exciſe, having cauſe to ſuſpect that two caſks of foreign ſmuggled ſpirituous liquors were fraudulently hid and concealed in ſome place or places in or about the houſe of J. W. of, &c. in the pariſh of, &c. in the county of, &c. with an intent to defraud his majeſty of the duties thereon, did go before J. R. eſquire, one of his majeſty's juſtices aſſigned to keep the peace of our ſaid lord the king in and for the ſaid county of Kent, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county of K. committed, and did then and there make affidavit, &c.; and thereupon the ſaid J. R. ſo being ſuch juſtice as aforeſaid, on, &c. at, &c. did, according to the form of the ſtatute in that caſe made and provided, make and grant his warrant in writing, under his hand and ſeal, reciting, that the ſaid B. L. one of the officers of his majeſty's duties of exciſe, &c. (recite the warrant), and for ſo doing that ſhould be to him and every of them a ſufficient warrant, by virtue of which ſaid warrant the ſaid B. L. ſo being ſuch officer as aforeſaid, on, &c. at, &c. did in the day time go to the houſe of the ſaid J. W. in the ſaid warrant named, for the purpoſe of ſearching therein for the ſaid ſmuggled ſpirituous liquors, ſo ſuſpected to be concealed as aforeſaid; yet the ſaid J. W. not regarding the ſtatute in that caſe made and provided, did on the day and year laſt aforeſaid, at, &c. in, &c. obſtruct, oppoſe, moleſt, and hinder the ſaid B. L. ſo being ſuch officer as aforeſaid, in the entering into the ſaid houſe of the ſaid J. W. in the ſaid warrant named, for the purpoſe in the ſaid warrant mentioned, and did then and there hinder the ſaid B. L. from entering into the ſaid houſe, for the purpoſe in the ſaid warrant mentioned, by then and there locking and faſtening and keeping locked and faſtened the outward door of and belonging to the ſaid houſe of the ſaid J. W. in the ſaid warrant named, and then and there refuſing to unlock and open the ſaid outward door for the purpoſe in the ſaid warrant mentioned, although then and there requeſted ſo to do by the ſaid B. L.; whereby the ſaid B. L. ſo being ſuch officer as aforeſaid, was obſtructed, oppoſed, moleſted, let, and hindered from entering into the ſaid houſe of the ſaid J. W. in the ſaid warrant named, for the purpoſe in the ſaid warrant mentioned, contrary to the form of the ſtatute in that 11.G.1.c.30.ſ.2.

caſe

case made and provided, whereby and by force of the statute the said J. W. hath for his said offence forfeited and lost the sum of one hundred pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said B. L. so being such officer as aforesaid, afterwards, to wit, on, &c. at, &c. did go to the house of the said J. W. in order there to seize a quantity of foreign exciseable liquor called Geneva, which was then and there fraudulently hid and concealed, with an intent to defraud his majesty of the duties thereon, and which the said B. L. then and there had power and authority to seize for that cause, by virtue of the statute in that case made and provided; and the said B. L. then and there had sight of the said liquors, and was then and there instantly about to seize the same for the cause aforesaid, yet the said J. W. not regarding the statute in that case made and provided, did at the time when the seizure of the said foreign exciseable liquor called Geneva, was then and there about to be made, and in the sight and presence of the said B. L. stave, break, and otherwise destroy and damage the casks and vessels containing the said foreign exciseable liquor called Geneva, and did thereby hinder the said B. L. from seizing and securing such foreign exciseable liquor, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said J. W. hath for his said last-mentioned offence forfeited and lost the further sum of forty pounds. And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the here court to understand and be informed, that the said B. L. so being such officer as aforesaid, afterwards, to wit, on, &c. at, &c. seized a large quantity, to wit, sixteen gallons of other foreign exciseable liquor called Geneva, for that the same were then and there fraudulently hid and concealed with an intent to defraud his majesty of his duties thereon, and as such might have been seized by the said B. L. by virtue of the statute in that case made and provided; yet the said J. W. not regarding the statute in that case made and provided, did at and after such seizure stave, break, and otherwise destroy the casks and vessels containing the said last-mentioned foreign exciseable liquor called Geneva, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said J. W. hath for his said last-mentioned offence forfeited and lost the further sum of forty pounds: And the said attorney general, who, &c. giveth, &c. that the said J. W. on, &c. at, &c. did resist, oppose, molest, obstruct, and hinder the said B. L. so being such officer as aforesaid, in the due seizing and securing a large quantity, to wit, sixteen gallons of foreign exciseable liquors called Geneva, which the said B. L. was then and there about to seize and secure, and which then and there might be secured and seized by the said B. L. by virtue of the statute in that case made and provided, for that the same foreign exciseable liquor was then and there fraudu-

2d Count. For staving liquors which an officer of excise had sight of and was then and there about to seize, for being hid with intent to defraud the duty and hindering officer from seizing the same.

1.G.1.c.18.f.25.

3d Count. For staving liquors which had been seized as forfeited for non-payment of duties.

8.G.1.c.18.f.15.

4th Count. For obstructing an officer in seizing a quantity of spirits which he was about to seize.

fraudulently hid and concealed, with an intent to defraud his majesty of his duties thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the statute in that case made and provided, the said J. W. hath for his said last-mentioned offence forfeited and lost the further sum of forty pounds. G. WOOD.

8.G.1.c.18.f.25.

THAT one W. H. being one of the officers of excise, after the twenty-fifth day of March 1722, and before the exhibiting of this information, to wit, on, &c. at, &c. had seized, as forfeited in pursuance of the statutes in that case made and provided, divers large quantities of foreign brandy, rum, and spirits, for that the same foreign brandy, rum, and spirits, being goods liable to the payment of customs and duties of excise to his said majesty, had been imported by certain merchants, to the said attorney general at present unknown, from parts beyond the seas into Great Britain, in a certain ship or vessel, or certain ships or vessels, to the said attorney general unknown, by way of merchandise, and had been unshipped with intent to be laid on land, and had been landed before the customs and duties of excise due to his said majesty for the same had been first paid or secured, contrary to the form of the statute in that case made and provided, by reason whereof the said brandy, rum, and spirits became forfeited, and as such might be seized by the said W. H. by virtue of the statute in that case made and provided; yet the said J. C. not regarding the statute in that case made and provided, to wit, on, &c. at, &c. did by force and violence attempt and endeavour to rescue the said brandy, rum, and spirits from the said W. H. so being such officer, as aforesaid, after the same had been seized by the said W. H. as aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said J. C. hath for his said offence forfeited and lost the sum of forty pounds. And the said attorney general, who prosecuteth as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said W. H. being one of the officers of excise after the twenty-fifth day of March 1722, and before the exhibiting this information, to wit, on, &c. at, &c. in, &c. had seized as forfeited in pursuance of the statutes in that case made and provided, divers large quantities of foreign brandy, rum, and spirits, for that the same brandy, rum, and spirits being goods liable to the payment of customs and duties of excise to his said majesty, had been imported by certain merchants, to the said attorney general at present unknown, from parts beyond the seas, into Great Britain, in a certain ship or vessel, or certain ships or vessels, to the said attorney general unknown, by way of merchandise, and had been unshipped with intention to be laid on land, and had been landed before the customs and duties of excise due to his said majesty for the same had been first paid or secured contrary to the form of the

Information for forcibly and violently attempting to rescue brandy which had been seized by an officer of excise, for having been imported without payment of the duty, from the officer.

8.G.1.c.15.f.18.

2d Count. For obstructing an officer of the customs in the securing a quantity of spirits which had been seized by an excise officer for importation without payment of duty.

the ſtatute in that caſe made and provided, by reaſon whereof the ſaid brandy, rum, and ſpirits became forfeited, and as ſuch might be ſeized by the ſaid W. H. by virtue of the ſtatute in that caſe made and provided; and the ſaid W. H. together with one R. S. one of the officers of the cuſtoms, were then and there duly ſecuring the ſaid brandy, rum, and ſpirits, by then and there removing the ſame to a place of ſafety; yet the ſaid J. C. not regarding, &c. afterwards, to wit, on, &c. at, &c. did with force and arms, aſſault, reſiſt, oppoſe, moleſt, obſtruct, and hinder the ſaid R. S. ſo being ſuch officer of the cuſtoms as aforeſaid, in the due ſecuring the ſaid brandy, rum, and ſpirits, contrary to the form of, &c. whereby, &c.

8 G. 1. c. 15. ſ. 18.

G. Wood.

Information againſt a dealer in brandy, &c. for refuſing an officer, on requeſt, by night, in the preſence of a conſtable, from entering the warehouſes uſed by the defendant for keeping brandy and ſpirits, to take an account of the quantity and quality then in ſtock.

THAT after the firſt day of Auguſt 1720, and before the day of exhibiting of this information, to wit, on, &c. and long before, at Weſtminſter, in the county of Middleſex. one R. M. did become and was a ſeller of and dealer in brandy, and that the ſaid R. M. being ſuch ſeller of and dealer in brandy, had made a true and particular entry in writing of the ſeveral warehouſes, ſtorehouſes, rooms, ſhops, cellars, vaults, and other places intended by him to be made uſe of for the keeping of brandy, rum, arrack, ſpirits, and ſtrong waters, at the office of exciſe within the compaſs or limits thereof, where ſuch reſpective warehouſes, ſtorehouſes, rooms, ſhops, cellars, vaults, and other places were ſituated, according to the form of the ſtatute in that caſe made and provided; and the ſaid R. M. being ſuch ſeller of and dealer in brandy, and having made ſuch entry as aforeſaid, one F. W. being an officer of his majeſty's revenue of exciſe, on, &c. at, &c. in, &c. in the night time did requeſt the ſaid R. M. to permit the ſaid F. W. in the preſence of one T. W. then and there being a conſtable and lawful officer of the peace, then and there attending for that purpoſe, to enter all and every the ſaid warehouſes, ſtorehouſes, rooms, ſhops, cellars, vaults, and other places made uſe of by the ſaid R. M. being ſuch ſeller of and dealer in brandy as aforeſaid, for keeping of brandy and other ſpirits, and by *taſting*, *gauging*, *and otherwiſe*, to take an account of the quantity and quality of ſuch liquors as were then and there in the cuſtody of the ſaid R. M. being ſuch ſeller of and dealer in brandy as aforeſaid, according to the form of the ſtatute in that caſe made and provided; yet the ſaid R. M. did not nor would upon ſuch requeſt of the ſaid F. W. permit the ſaid F. W. in the preſence of the ſaid T. H. ſo being ſuch conſtable as aforeſaid, to enter the ſaid warehouſes, ſtorehouſes, &c. of the ſaid R. M. for the purpoſe aforeſaid, but wholly refuſed to permit the ſaid F. W. in the preſence of the ſaid T. H. ſo being ſuch conſtable as aforeſaid, to enter the ſaid warehouſes, &c. for that purpoſe, and hindered the ſaid F. W. from entering the ſame for that purpoſe, contrary to the form of the ſtatute in that caſe made

made and provided, whereby, and by force of the ſaid ſtatute, the ſaid R. N. hath forfeited the ſum of fifty pounds.

G. WOOD.

THAT after the twenty-fourth day of June 1725, and before the exhibiting this information, to wit, on, &c. A. D. 1786, a certain ſhip or veſſel being within the limits of a port of this kingdom, to wit, at, &c. in, &c. one T. M. being one of the officers of his majeſty's revenue of exciſe, on, &c. at, &c. did go on board the ſaid ſhip or veſſel, to rummage and ſearch therein, in like manner as the officers of cuſtoms might legally do at the time of paſſing an act of parliament made in the eleventh year of the reign of his late majeſty king George the Firſt, entitled "An act for "the more effectually preventing Frauds and Abuſes in the "public Revenues, for preventing Frauds in the Salt Duties, "and for giving Relief for Salt uſed in the curing of Salmon "and Codfiſh, in the Year 1719, exported from that Part "of Great Britain called Scotland, for enabling the Inſurance "Companies to plead the general Iſſue in Actions brought "againſt them, and for ſecuring the Stamp Duties upon Po-"licies of Inſurance," for arrack, rum, ſpirits, or ſtrong waters, or other exciſeable liquors whatſoever; and for coffee, tea, cocoa nuts, chocolate, and cocoa paſte, as it was lawful for him to do, which might have been clandeſtinely and colluſively imported into the kingdom of Great Britain, from parts beyond the ſeas, without the payment of the duties by law chargeable on the ſame, and was then and there about to rummage and ſearch for all ſuch brandy, rum, &c. coffee, &c. accordingly; yet one W. S. well knowing the premiſes aforeſaid, and not regarding the ſtatute in that caſe made and provided, on, &c. at, &c. did obſtruct, oppoſe, moleſt, let, and hinder the ſaid T. G. ſo being ſuch officer as aforeſaid, from rummaging and ſearching the ſaid ſhip or veſſel for the purpoſe aforeſaid, and did thereby then and there hinder and prevent the ſaid T. G. from rummaging and ſearching as aforeſaid, contrary to the form of the ſtatute in that caſe made and provided; whereby, and by force of the ſaid ſtatute, the ſaid W. S. hath for his ſaid offence forfeited and loſt the ſum of one hundred pounds: And the ſaid attorney general, who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty give the court here to underſtand and be informed, that after the twenty-fourth day of June, 1725, and before the day of exhibiting of this information, to wit, on, &c. a certain ſhip or veſſel being within the limits of a port of this kingdom, to wit, at, &c. in, &c. the ſaid T. G. by one G. S. his ſervant in that behalf, he the ſaid T. G. being then and there preſent, did attempt to rummage and ſearch the ſaid ſhip or veſſel, in like manner as the officers of the cuſtoms might legally do at the time of paſſing the ſaid act of parliament made and paſſed in the ſaid eleventh year of the reign of his late majeſty, king George the Firſt, for arrack, rum, &c. as it was lawful for him to do; yet the ſaid W. S. well knowing the premiſes, and not regarding

Information for obſtructing an officer in rummaging a ſhip in the ſame manner as the officers of cuſtoms might do for brandy, &c. which might have been clandeſtinely imported therein.

13. & 14. Car. 2. c. 11. ſ. 4 11. Geo. 1. c. 30. ſ. 1 & 2.

2d Count. That an officer of exciſe, by his ſervant, attempted to rummage a ſhip in the like manner as the officer of cuſtoms might do. For obſtructing the officer and his ſervant from rummaging, &c.

regarding the ſtatute in that caſe made and provided, on, &c. at, &c. did obſtruct, &c. the ſaid T. G. ſo being ſuch officer as aforeſaid, and his ſaid ſervant in that behalf, from rummaging and ſearching the ſaid ſhip or veſſel, for arrack, rum, &c. and did prevent the ſaid T. G. from rummaging and ſearching for the ſame as aforeſaid, contrary to the form of, &c. whereby, and by force of, &c.

13. & 14. Car. 2. c. 11. ſ. 4. 11. Geo. 1. c. 30. ſ. 1. & 2.

GEORGE WOOD.

Information againſt diſtillers, for their ſervant wilfully obſtructing an exciſe officer, on producing his commiſſion, from having free ingreſs by night to the entered ſtill-houſe, where utenſils for diſtilling were ſtanding. 2d, for obſtructing, on producing commiſſion, in having ingreſs to the ſtill-houſe, where utenſils, &c. were ſtanding. 3d, Same as 2d, only on another day.

THAT the defendants, at the time of the committing of the offences hereafter-mentioned, were diſtillers and makers of low wines and ſpirits, to wit, at, &c. in, &c. and being ſuch diſtillers and makers of low wines and ſpirits, after the firſt day of Auguſt 1786, and before the day of exhibiting this information, to wit, on, &c. they the ſaid defendants by one J. H. a workman and ſervant belonging to them the ſaid defendants, did then and there wilfully obſtruct one W. B. he the ſaid W. B. then and there being an officer of exciſe, on the ſaid W. B.'s then and there producing his commiſſion as ſuch officer, from having free ingreſs by night by the uſual and moſt accuſtomed door and paſſage, into the entered ſtill-houſe, and other places where utenſils for brewing, fermenting and diſtilling, were ſtanding, belonging to the ſaid defendants, ſo being ſuch diſtillers and makers of low wines and ſpirits as aforeſaid, contrary to the form of the ſtatute *(a)* in that caſe made and provided; whereby, and by force of the ſaid ſtatute, the ſaid defendants have forfeited for the ſaid offence the ſum of two hundred pounds: And the ſaid attorney-general, who proſecutes as aforeſaid, doth, on behalf of his ſaid majeſty, further give the court here to underſtand and be informed, that the ſaid defendants being ſuch diſtillers and makers of low wines and ſpirits as aforeſaid, between the times aforeſaid, to wit, on, &c. at, &c. did wilfully obſtruct the ſaid W. B. ſo being ſuch officer as aforeſaid, on the ſaid W. B. then and there producing his commiſſion as ſuch officer as aforeſaid, from having free ingreſs by night by the uſual and moſt accuſtomed door or paſſage, into the entered ſtill-houſe, and other places where utenſils for brewing, fermenting and diſtilling, were ſtanding, belonging to the ſaid defendants, ſo being ſuch diſtillers and makers of low wines and ſpirits as aforeſaid, contrary to the form of, &c. And the ſaid attorney-general, &c. (This Count ſame as the laſt, only the offence was on another day.)

(*a*) 26. Geo. 3. c. 73. ſ. 4.

G. WOOD.

Information againſt a diſtiller's ſervant for obſtructing an officer of exciſe in the ſeizing and ſecuring a quantity of ſpirits, for being carried without a permit.

THAT one T. H. being an officer of exciſe, after the firſt day of June 1720, and before the exhibiting of this information, to wit, on, &c. at, &c. was about to ſeize and ſecure a horſe and cart, and a large quantity, to wit, two hundred gallons of Britiſh-made ſpirituous liquors in the ſaid cart; for that the ſaid

ſpirituous

spirituous liquors, the same exceeding the quantity of one gallon, were then and there found carrying from one part of this kingdom to another, without any permit or certificate first had and obtained from some or one of the officers of his majesty's customs or excise, signifying the quality and quantity thereof, and that his majesty's duties, chargeable thereon, had been duly paid or satisfied, or that the same had been condemned as forfeited, or was part of the stock of some importer, distiller, maker, or seller of or dealer in arrack, brandy, rum, spirits, or strong waters, of which an account had been taken, pursuant to the act of parliament in that case made and provided, contrary to the form of the statute in that case made and provided; and for that the said horse and cart were then and there used in the removing, carrying, and conveying the said spirituous liquors as aforesaid, contrary to the statute in that case made and provided, as it was lawful for him to do; yet a certain workman or servant, whose name is to the said attorney-general at present unknown, belonging to one R. C. and being then and there employed by the said R. C. in the removal of the said spirituous liquors as aforesaid, he the said R. C. then and there being a distiller of low wines and spirits, afterwards, to wit, on, &c. at, &c. did obstruct, assault, resist, oppose, molest, and hinder the said T. H. so being such officer as aforesaid, in the seizing and securing the said last-mentioned spirits, contrary to the form of the statute in that case made and provided; whereby, and by force of the said last-mentioned statute, the said R. C. hath forfeited and lost the sum of fifty pounds: And the said attorney-general, who prosecutes as aforesaid, doth, on behalf of his said majesty, further give the court here to understand and be informed, that the said T. H. so being such officer as aforesaid, after the twenty-ninth day of September 1783, and before the exhibiting of this information, to wit, on, &c. at, &c. had seized, and was about to secure a certain horse and cart, containing a large quantity, to wit, two hundred gallons of British-made spirituous liquors; for that the said horse and cart were then and there used and employed in the removing, carrying, and conveying the said quantity, to wit, two hundred gallons of British-made spirituous liquors from one part of this kingdom to another part thereof of the said British-made spirituous liquors, so removing, carrying, and conveying, not then being accompanied with authentic permits or certificates, or an authentic permit or certificate from some or one of the officers of his majesty's revenue of excise, as by the statute in such case made and provided is directed to accompany the same, when removing as aforesaid, as it was lawful for him to do; yet a certain workman or servant, who then and there had the care, conduct, and management of the said horse and cart, such workman then and there belonging to said the R.C. so being such distiller of low wines and spirits as aforesaid, and being then and there employed by the said R. C. in removing such spirituous liquors as aforesaid, afterwards, to wit, on, &c. did obstruct, &c. the

6. Geo. 1. c. 21. s. 17.

23. Geo. 3. c. 70. s. 15.

26. Geo. 3. c. 73. s. 71.

2d Count. For obstructing the officer from seizing a horse and cart, that were carrying liquors without a permit.

the ſaid T. H. &c. ſo being ſuch officer as aforeſaid, in the ſeizing and ſecuring the ſaid horſe and cart with the ſaid liquors, and rescued the ſame, contrary to the form of the ſtatute in that caſe made and provided; whereby, and by force of the ſaid laſt-mentioned ſtatute, the ſaid R. C. hath forfeited and loſt, for his ſaid laſt-mentioned offence, the further ſum of two hundred pounds.

26. Geo. 3. c. 73. ſ. 72.

GEORGE WOOD.

I very much doubt whether this is a own caſe within the 22 G. 3. c. 73. My opinion is that it is not, becauſe I think to bring a perſon within this law the officer muſt be in the execution of ſome power or authority peculiarly relating to diſtillers, rectifiers, or compounders of ſpirits, or to dealers in ſpirits or ſtrong waters, and not in the execution of a general authority, applying to every body, whether diſtiller, &c. or not, which appears to me to be the preſent caſe.

GEORGE WOOD.

Information for obſtructing an officer of exciſe in taking a ſample of rum, which had been delivered out of the bonded warehouſe for exportation. — 2d. Same as the firſt, but ſtating the requeſt for delivery out of bond by another perſon.

THAT after the ſixteenth day of June 1760, and before the day of exhibiting this information, to wit, on, &c. A. D. 1786, to wit, at, &c. in, &c. a quantity, to wit, fifty caſks of rum and ſpirits, of the growth, produce, and manufactory of the Britiſh ſugar plantations, in America, at the deſire of W. T. and R. J. were delivered out of the warehouſe in which the ſame had been lodged and depoſited, by virtue of and in purſuance of the ſtatutes in that caſe made and provided, in order to be exported as merchandize to parts and places beyond the ſeas; and the ſaid W. T. and R. J. were then and there deſirous of ſhipping the ſaid rum and ſpirits for exportation as aforeſaid, whereupon one G. T. being an officer of exciſe, in purſuance of the ſtatute in that caſe made and provided, after the deficiency of ſuch rum and ſpirits from ſuch warehouſe as aforeſaid, and before the ſhipping thereof for exportation, to wit, on, &c. at, &c. was deſirous to take, and then and there attempted to take a ſample (not exceeding one pint in the whole out of each caſk) out of divers of the caſks containing ſuch rum and ſpirits; yet the ſaid R. J. not regarding the ſtatute in that caſe made and provided, afterwards, to wit, on, &c. at, &c. did obſtruct and hinder the ſaid G. T. ſo being ſuch officer as aforeſaid, in taking ſuch ſamples out of the ſaid caſks containing the ſaid rum and ſpirits as aforeſaid, contrary to the form of the ſtatute in that caſe made and provided; whereby, and by force of the ſaid ſtatute, the ſaid R. J. forfeited for his ſaid offence the ſum of one hundred pounds: And the ſaid attorney-general, who, &c. (Same as the 1ſt, only inſtead of W. T. and R. J. ſay, S. W.

33 Geo. 2. c. 28. ſ. 11.

2d Count

GEORGE WOOD.

Information againſt a brandy-dealer, who had made entry of his premiſes, by him intended to be uſed for keeping brandy, for obſtructing by his ſervant an officer of exciſe from entering a cellar to take ſtock. 2d. For obſtructing generally.

THAT after the firſt day of Auguſt, 1720, and before the day of exhibiting of this information, to wit, on, &c. at, &c. in,

&c.

&c. one J. D. did become and was a feller of and dealer in brandy, and the faid J. D. being fuch feller of and dealer in brandy had made a true and particular entry in writing of the feveral warehoufes, ftorehoufes, rooms, fhops, cellars, vaults, and other places intended by him to be made ufe of for the keeping of brandy, arrack, rum, fpirits, and ftrong waters at the office of excife within the compafs or limits whereof fuch refpective warehoufes, ftorehoufes, rooms, fhops, cellars, vaults, and other places were fituated, according to the form of the ftatute in that cafe made and provided; and the faid J. D. fo being fuch feller of and dealer in brandy, and having made fuch entry as aforefaid, on, &c. at, &c. in, &c. did by one J. T. (he the faid J. T. then and there being the fervant of the faid J. D. then and there employed and entrufted by the faid J. D. in the faid warehoufes, &c. in his faid trade and bufinefs of a feller of and dealer in brandy) hinder and refufe one J. B. he the faid J. B. then and there being an officer of his majefty's revenue of excife, to enter by day into a certain cellar, whereof the faid J. D. had made fuch entry as aforefaid, and made ufe of by the faid J. D. being fuch feller of and dealer in brandy as aforefaid, for keeping of brandy and other fpirits to take an account of the quantity and quality of all fuch of the faid liquors as were then and there in the cellar in the cuftody of the faid J. D. being fuch feller of and dealer in brandy as aforefaid, as it was then and there lawful for the faid J. B. to do, contrary to the form of the ftatute in that cafe made and provided, whereby and by force of the faid ftatute the faid J. D. hath forfeited for his faid offence the fum of fifty pounds: And the faid attorney general, who, &c. doth, &c. that afterwards, within the time aforefaid, to wit, on, &c. at, &c. he the faid J. D. did become and was a feller of and dealer in brandy, and being fuch feller of and dealer in brandy as aforefaid, had made true and particular entry in writing of the feveral warehoufes, &c. intended by him to be made ufe of for the keeping of brandy, &c. at the office of excife within the compafs or limits whereof fuch refpective warehoufes, &c. were fituated, according to the form of the ftatute in that cafe made and provided: And the faid J. D. fo being fuch feller of and dealer in brandy as aforefaid, and having made fuch entry as aforefaid, on, &c. at, &c. did hinder and refufe the faid J. B. fo being fuch officer as aforefaid, to enter by day into, &c. &c. (as the firft Count to the end.)

6. Geo. 1. c. 21. f. 14.

2d Count.

G. Wood.

The 2d Count is drawn upon the idea that the act of the fervant is the act of the mafter.

KENT. Be it remembered, that Richard Pepper Arden, efquire, attorney general of our prefent fovereign lord the king, who for our faid lord the king in this behalf profecuteth, in his

Information at common law for obftructing officers of the cuftoms in attempting to go on board a certain boat in which they fufpected were prohibited or uncuftomed goods in order to fecure the fame.—For obftructing officers of the cuftoms in the execution of their office.

proper perſon cometh here into the court of our ſaid lord the king, before the king himſelf at Weſtminſter, on Monday next, after the morrow of All Souls, in this ſame term, and for our ſovereign lord the king giveth the court here to underſtand and be informed, that on the thirteenth day of October, in the twenty-ſixth year of the reign of our ſaid lord the king, at the pariſh of Saint Paul, Deptford, in the county of Kent, Robert Lee and James Edling, being officers of the cuſtoms of our ſaid lord the king, duly conſtituted and appointed, did according to the duty of their ſaid ſeveral and reſpective offices endeavour and attempt to go on board and ſearch a certain veſſel or boat on the river Thames, in the pariſh aforeſaid, in the county aforeſaid, in which the ſaid Robert Lee and James Edling did ſuſpect uncuſtomed or prohibited goods to be contained, in order to ſecure the ſame to and for the uſe of our ſaid lord the king: And the ſaid attorney-general of our ſaid lord the king, for our ſaid lord the king giveth the court here further to underſtand and be informed, that Richard Aventon, late of the pariſh of Saint Paul, Deptford aforeſaid, in the ſaid county of Kent, waterman, well knowing the premiſes, but having no regard for the laws and ſtatutes of this realm, and unlawfully deviſing, contriving, and intending to cheat and defraud our ſaid lord the king in his revenue, afterwards, that is to ſay, on the thirteenth day of October, in the twenty-ſixth year of the reign of our ſaid preſent ſovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and ſo forth, with force and arms, at the pariſh of St. Paul, Deptford, aforeſaid, in the ſaid county of Kent, in and upon them the ſaid Robert Lee and James Edling, being then and there ſuch officers of the cuſtoms of our ſovereign lord the king, duly conſtituted and appointed aforeſaid, and being then and there in the peace of God and of our ſaid lord the king, and being alſo then and there in the due execution of their ſaid ſeveral and reſpective offices as aforeſaid, did unlawfully and violently make an aſſault on them the ſaid Robert Lee and James Edling in attempting and endeavouring to go on board and ſearch the ſaid veſſel or boat in order to find out and diſcover if any prohibited or uncuſtomed goods were then contained therein as aforeſaid, did then and there, with force and arms, unlawfully, violently, and forcibly hinder, obſtruct, oppoſe, reſiſt, moleſt, and abuſe, and did then and there by force and violence wholly prevent the ſaid Robert Lee and James Edling from going on board and ſearching the ſaid veſſel or boat for the purpoſe aforeſaid, in contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the ſaid attorney general of our ſaid lord the king, for our ſaid lord the king giveth the court here further to underſtand and be informed, that he the ſaid Richard Aventon, afterwards, that is to ſay, on the thirteenth day of October, in the twenty-ſixth year of the reign of our ſaid lord the king, with force

2d Count.

force and arms, at the parish of Saint Paul, Deptford, aforesaid, in the said county of Kent, then the said Robert Lee and James Edling being then and there such officers of the customs of our said lord the king, duly constituted and appointed as aforesaid, and being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of their said several and respective offices, did unlawfully, violently, and forcibly hinder, obstruct, resist, oppose, molest, and abuse, in contempt of our said lord the king and his laws, in diminution of the revenue of the customs of our said lord the king, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity; whereupon the said attorney-general of our said lord the king, who for our said lord the king in this behalf prosecuteth for our said lord the king, prayeth the consideration of the court here in the premises, and that due process of law may be awarded against him the said Richard Aventon in this behalf to make him answer to our said lord the king, touching and concerning the premises aforesaid.

Issue on the plea of not guilty, in the time of succeeding information preferred by the late attorney general.

Kent. Be it remembered, that Richard Pepper Arden, esquire, late attorney general of our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his proper person came here into court of our said lord the king, before the king himself at Westminster, on Monday next, after the morrow of All Souls, in the twenty-seventh year of the reign of his present majesty, and for our said lord the king brought into the court of our said lord the king, before the king himself, then and there a certain information against Richard Aventon, late of the parish of Saint Paul, Deptford, in the county of Kent, waterman; which said information follows in these words, that is to say: Kent. Be it remembered, &c. (set out the whole of the information); wherefore the sheriff of the said county of Kent was commanded that he should not forbear by reason of any liberty in his bailiwick, but that he should cause to come to answer to our said lord the king, touching and concerning the premises aforesaid: And now, that is to say, on Friday next after the morrow of All Souls in this same term, before our said lord the king at Westminster, cometh the said Richard Aventon, by John Ware, his clerk in court, and having heard the said information read, he saith that he is not guilty thereof; and hereupon he putteth himself upon the country, and Sir Archibald Macdonald, knight, now attorney general of our said lord the king, who for our said lord the king in this behalf prosecuteth doth the like.

Plea.

For assaulting a custom-house officer and his assistants, and obstructing them in the execution of their office.

KENT, to wit. Be it remembered, that Richard Pepper Arden, esquire, attorney general for our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his proper person cometh here into the court of our said lord the

the king, before the king himself at Westminster, on Wednesday next, after fifteen days from the feast-day of Easter, in this same term, and for our said lord the king giveth the court here to understand and be informed, that William North, late of the parish of Saint Paul, Deptford, in the county of Kent, labourer, and Richard Aventon, late of the same place, labourer, having no regard lor the laws and statutes of this realm, and unlawfully devising, contriving, and intending to cheat and defraud our said lord the king in his revenue of the customs, on the fifth day of May, in the twenty-sixth year of the reign of our said present sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, with force and arms, at the parish of St. Paul, Deptford, aforesaid, in the county of Kent, in and upon John Barnes, being then and there one of the officers of the customs of our said lord the king, duly constituted and appointed, and being then and there in the due execution of his said office, and also in and upon Andrew Borgeson and Thomas Sheriff, being then and there acting in the aid and assistance of the said John Barnes, they the said John Barnes, Andrew Borgeson, and Thomas Sheriff, being then and there in the peace of God and of our said lord the king, did unlawfully and violently make an assault; and him the said John Barnes, in the due execution of his said office, and also the said Andrew Borgeson and Thomas Sheriff being then and there acting in the aid and assistance of the said John Barnes in the due execution of his said office, did then and there, with force and arms, unlawfully, violently, and forcibly hinder, obstruct, resist, oppose, molest, and abuse, and other wrongs to the said John Barnes, Andrew Borgeson, and Thomas Sheriff, they the said William North and Richard Aventon then and there, with force and arms, unlawfully and violently did to the great damage of the said John Barnes, Andrew Borgeson, and Thomas Sheriff, in contempt of our said lord the king and his laws, in diminution of the revenue of the customs of our said lord the king, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Issue on an information in B. R. for assaulting an officer of the customs who had seized a quantity of brandy and Geneva, in securing the same and obstructing the officer and rescuing the seizure.

HAMPSHIRE, to wit. Be it remembered, that Richard Pepper Arden, esquire, attorney general of our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his proper person came here into court of our said lord the king, before the king himself at Westminster, on Tuesday next after the morrow of All Souls last past, and for our said lord the king brought into the court of our said lord the king, before the king himself, then and there a certain information against John Carter, late of Cowes, in the Isle of Wight, in the

county

county of Southampton, labourer, which ſaid information followeth in theſe words, that is to ſay: Hampſhire. Be it remembered, that Richard Pepper Arden, eſquire, attorney general of our preſent ſovereign lord the king in this behalf, who for our ſaid lord the king proſecuteth, in his proper perſon cometh here into the court of our ſaid lord the king, before the king himſelf at Weſtminſter, on Tueſday next after the morrow of All Souls, in this ſame term, and for our ſaid lord the king giveth the court here to underſtand and be informed, that on the twenty-ſeventh day of November, in the twenty-ſeventh year of the reign of our ſaid lord the king, at Cowes, in the Iſle of Wight, in the county of Southampton, John Grimes, being one of the officers of the cuſtoms of our ſaid lord the king, duly conſtituted and appointed, did according to the duty of his ſaid office, in due manner take and ſeize to and for the uſe of our ſaid lord the king a great number of caſks, to wit, thirty-two caſks, containing a large quantity of foreign brandy and ſpirits commonly called Geneva, to wit, ten gallons and more of ſpirits commonly called Geneva, being of the value of forty ſhillings and upwards of lawful money of Great Britain, which ſaid foreign brandy and ſpirits commonly called Geneva, and alſo the caſks containing the ſame might then be lawfully ſeized by the ſaid J. G. ſuch officer as aforeſaid, by virtue of a certain act of parliament then and ſtill in force, and was then and there proceeding to ſecure the ſame to and for the uſe of our ſaid lord the king, to wit, at Cowes aforeſaid, &c. &c.: And the ſaid attorney general of our ſaid lord the king, for our ſaid lord the king giveth the court here further to underſtand and be informed, that John Carter, late of Cowes, &c. &c. labourer, together with divers other perſons whoſe names are at preſent unknown to the ſaid attorney general, well knowing the premiſes, but having no regard for the laws and ſtatutes of this realm, nor the penalties and forfeitures therein and thereby made and provided, and unlawfully deviſing, contriving, and intending to cheat and defraud our ſaid lord the king in his revenue of cuſtoms, afterwards, that is to ſay, ſince the twenty-fifth day of March, which was in the year of Our Lord 1772, to wit, on the ſaid twenty-ſeventh day of November, in the twenty-ſeventh year of the reign of our ſaid preſent ſovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and ſo forth, with force and arms, at Cowes aforeſaid, &c. &c. in and upon him the ſaid John Grimes, being then and there ſuch officer of the cuſtoms of our ſaid lord the king, duly conſtituted and appointed as aforeſaid, and being then and there in the peace of God and of our ſaid lord the king, and being alſo then and there in the due execution of his ſaid office as aforeſaid, did unlawfully and violently make an aſſault, and him the ſaid John Grimes in the due execution of his office, in the due ſecuring to and for the uſe of our ſaid lord the king the aforeſaid caſks, containing ſuch

8 Anne. c. 7. ſ. 7.

large quantities of foreign brandy, and ſpirits commonly called Geneva as aforeſaid, did unlawfully, violently, and forcibly reſiſt, oppoſe, moleſt, obſtruct, and hinder, and that he the ſaid John Carter, and the ſaid other perſons whoſe names are unknown as aforeſaid, ſixteen of the aforeſaid caſks, containing a large quantity of foreign brandy, and ſpirits commonly called Geneva, to wit, five gallons and more of French brandy, and five gallons and more of ſpirits commonly called Geneva, after ſuch ſeizure thereof by the ſaid John Grimes as aforeſaid, being then and there in the legal cuſtody and poſſeſſion of the ſaid John Grimes, as ſuch officer as aforeſaid, and by him then and there detained, and intended to have been ſecured to and for the uſe of our ſaid lord the king, out of the cuſtody and poſſeſſion of the ſaid John Grimes, againſt the will and without the conſent of the ſaid J. G. did then and there unlawfully, and by force and violence, take and reſcue, and cauſe and procure to be reſcued, and other wrongs to the ſaid J. G. he the ſaid J. G. and the ſaid other perſons whoſe names are unknown as aforeſaid, then and there, with force and arms, unlawfully and violently did to the great damage of the ſaid J. G. in contempt of our ſaid lord the king and his laws, in diminution of the revenue of the cuſtoms of our ſaid lord the king, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity, and alſo againſt the form of the ſtatute in ſuch caſe made and provided; by reaſon whereof, and by force of the ſame ſtatute, he the ſaid John Carter hath forfeited and loſt the ſum of forty pounds of lawful money of Great Britain: And the ſaid attorney-general of our ſaid lord the king, for our ſaid lord the king giveth the court here further to underſtand and be informed, that on the ſaid twenty-ſeventh day of November, in the twenty-ſeventh year of the reign of our ſaid lord the king, at Cowes aforeſaid, &c. &c. J. G. being ſuch officer of the cuſtoms of our ſaid lord the king, duly conſtituted and appointed as aforeſaid, did according to the duty of his ſaid office, in due manner take and ſeize, as forfeited to our ſaid lord the king, a certain large quantity of foreign ſpirits, to wit, ten gallons and more, being of the value of twenty ſhillings and upwards of lawful money of Great Britain, which might then lawfully be ſeized by the ſaid J. G. as ſuch officer as aforeſaid, by virtue of a certain act of parliament then and ſtill in force, and was then and there proceeding to ſecure the ſame to and for the uſe of our ſaid lord the king, to wit, at Cowes aforeſaid, &c. &c.: And the ſaid attorney general of our ſaid lord the king, for our ſaid lord the king, giveth the court here further to underſtand and be informed, that he the ſaid John Carter, together with divers other perſons whoſe names are at preſent unknown to the ſaid attorney general of our ſaid lord the king, afterwards, that is to ſay ſince the ſaid twenty-fifth day of March, which was in the year of Our Lord 1772 to wit, on the ſaid twenty-ſeventh day of November, in the twenty-ſeventh year of the reign of our ſaid lord the king, with force and arms,

8. Geo. 1. c. 18. ſ. 25.

2d Count, for reſcuing brandy and Geneva which had been ſeized by a cuſtom houſe officer, and which he was about to ſecure.

arms, at Cowes aforesaid, in the Isle of Wight, in the county of Southampton aforesaid, in the aforesaid large quantity of foreign spirits last mentioned, after such seizure thereof by the said John Grimes as aforesaid, being then and there in the legal custody and possession of the said J. G. as such officer as aforesaid, and by him then and there detained and intended to have been secured to and for the use of our said lord the king out of the custody and possession of the said J. G. against the will and without the consent of him the said J. G. did unlawfully and by force and violence take and rescue, and cause and procure to be rescued, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, in diminution of the revenue of the customs of our said lord the king, and against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided; by reason whereof, and by force of the same statute, he the said John Carter hath forfeited and lost another sum of forty pounds of lawful money of Great Britain: And the said attorney general of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that he the said J. Carter afterwards, that is to say, since the said twenty-fifth day of March, which was in the said year of Our Lord 1772, to wit, on the said twenty-seventh day of November, in the twenty-seventh year of the reign of our said lord the king, with force and arms, at Cowes aforesaid, &c. &c. him the said J. G. being then and there such officer of the customs of our said lord the king duly constituted and appointed as aforesaid, and being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of his said office, in the due securing to and for the use of our said lord the king a certain other large quantity of foreign brandy, to wit, five gallons or more, being of the value of ten shillings and upwards of lawful money of Great Britain, which said last-mentioned brandy might then be lawfully seized by the said J. G. as such officer as aforesaid, by virtue of a certain act of parliament then and still in force, and which had then lately been before in due manner seized by him the said J. G. as forfeited to our said lord the king, did unlawfully, violently, and forcibly resist, oppose, molest, obstruct, and hinder, in contempt of our said lord the king and his laws, to the evil, &c. (as before); by reason whereof, &c. Whereupon the said attorney general of our said lord the king, for our said lord the king in this behalf prosecuteth for our said lord the king, praying the consideration of the court here in the premises, and that due process of law may be awarded against the said J. G. in this behalf, to make him answer to our said lord the king touching and concerning the premises aforesaid.

3d Count, for obstructing a custom house officer in securing a seizure of brandy and Geneva.

Trinity Term, 30. & 31. Geo. II.

Information at the suit of the attorney general against defendants for an assault on an excise officer, and for taking from him two instruments used in gauging, wherewith they beat him, and for throwing him down, kicking, and beating him, by means of which he became dangerously ill.

CORNWALL. Be it remembered, that Charles Pratt, esquire, attorney general for our present sovereign lord the king, who for our said present sovereign lord the king in this behalf prosecuteth, in his proper person cometh here into the court of our present sovereign lord the king, before the king himself, at Westminster, on Wednesday next after three weeks from the day of the Holy Trinity in this same term, and for our said present sovereign lord the king giveth the court here to understand and be informed, that (1) W. W. late of, &c. W. D. late of, &c. W. S. late of, &c. W. P. late of, &c. M. J. late of, &c. and W. B. late of, &c. (2), *being persons of wicked minds and of unruly and turbulent tempers and dispositions*, upon the (3) twenty-fifth day of June, in the thirty-first year of the reign of our said present sovereign lord (4) *George the Second, by the grace of God of Great Britain, &c.* with force and arms, at the parish of, &c. in the county of C. in, &c. upon (5) B. W. being then and there one of the officers of the excise of our present sovereign lord the king duly constituted and appointed, and being *then and there in the due execution of his said office, being also* then and there in the peace of God and of our said present sovereign lord the king (6), did unlawfully and violently make an assault and affray, and him the said B. W. they the said W. W. &c. &c. did then and there, with force and arms, unlawfully and violently beat, bruise, and treat so ill, that his life was greatly despaired of; *and also that they the said W. W. &c. &c. did then and there seize upon, and by force and violence take from him the said B. W. two rules or instruments used in gauging, and with the said two rules or instruments they the said W. W. &c. &c. did then and there, with force and arms, give to the said B. W. several grievous and dangerous blows and strokes upon his head, by reason and means of which said blows and strokes the head of him the said B. W. was then and there greatly hurt and bruised, and the said two rules or instruments were thereby then and there broke in pieces, spoiled, and rendered entirely useless; and also that they the said W. W. &c. &c. him the said B. W. did then and there, with great force and violence, cast down to the ground, and him the said B. W. being so thrown down on the ground as aforesaid, they the said W. W. &c. &c. did then, in a most barbarous, cruel, and inhuman manner, kick and beat him the said B. W. in and upon the legs, head, breast, and divers other parts of the body of him the said B. W. by the force and violence of which said kicking and beating, the legs, head, face, breast, sides, and other parts of the body of him the said B. W. were then and there greatly bruised and hurt, and were thereby made very bloody, and afterwards thereby became black, blue, and of a livid colour, and also by reason and means of the kicking and beating the said B. W. was then and there deprived of his senses, and for a long time afterwards, to wit, the space of two hours then next following and upwards, he the said W. B. remained and continued entirely senseless, and the next morning he voided and brought up a large quantity of blood at the mouth of him the said B. W. occasioned by the kicking and beating aforesaid;*

(1) "they the said"
(2) "afterwards, that is to say,"
(3) "said"
(4) "the king"
(5) "him the said"
(6) "and being also then and there in the due execution of his said office,"

aforesaid; and also that he the said B. W. for a long time afterwards, to wit, for the space of ten days then next following, and upwards, was rendered entirely incapable of transacting his business or performing the duty of his said office; and also, *that they the said W. W. &c. &c. &c.* him the said B. W. being *such officer as aforesaid, and being also* then and there in the due execution of his said office as aforesaid (1), did then and there, with force and arms, unlawfully and violently hinder, obstruct, resist, oppose, molest, and abuse, and other mischiefs upon him the said B. W. they the said W. W. &c. &c. &c. did then and there, with force and arms, unlawfully and violently bring, to the great damage of him the said B. W. in contempt of our said present sovereign lord the king and his laws, in diminution of the revenue of the excise of our present sovereign lord the king, to the evil and pernicious example of all others in the like case offending, and also against the peace of our present sovereign lord the king, his crown and dignity: And the said attorney general of our present sovereign lord the king, for our present sovereign lord the king, giveth (go on same as the last, omitting what is in Italic, and inserting what is in the margin): And the said attorney general of our said present sovereign lord the king giveth the court, &c. &c. that they the said W. W. &c. afterwards, that is to say, upon the said twenty-fifth day of June, in the said thirty-first year of the reign of our present sovereign lord the king, with force and arms, at, &c. in and upon him the said B. W. being then and there *one of the officers of the excise of our said present sovereign lord the king, and duly constituted and appointed as aforesaid, and being then and there* in the peace of God and of our said present sovereign lord the king, *and being also then and there in the due execution of his said office*, did unlawfully and violently make an assault and affray, and him the said B. W. they the said W. W. &c. did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill, that his life was thereby greatly despaired of, and other mischiefs upon him the said B. W. they the said W. W. &c. &c. did then and there, with force and arms, unlawfully and violently bring, to the great damage of the said B. W. in contempt of our present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and also against the peace of our said present sovereign lord the king, his crown and dignity. (4th Count like the third in every respect, except that the words in Italic are omitted): whereupon the said attorney general of our said present sovereign lord the king, for our said present sovereign lord the king prayeth the consideration of the Court here in the premises, and that due process of law may be awarded against them the said W. W. &c. &c. in this behalf, to make them answer to our said present sovereign lord the king touching and concerning the premises aforesaid, &c. &c.

(1) "they the said W. W. &c."

2d Count.

3d Count.

SOMERSETSHIRE,

Information by the attorney-general against a publican, for assaulting excise-officers, and presenting a gun at them in his own house, which they had entered under two warrants of distress upon conviction for selling liquor unlicensed, stating the complaint before the justice, the testimony and conviction, and the warrants of seizure.

SOMERSETSHIRE, *ss.* Be it remembered, that Sir Dudley Ryder, knight, attorney general of our present sovereign lord the king, who for our present sovereign lord the king in this behalf prosecuted, in his proper person, cometh here into the court of our present sovereign lord the king, before the king himself, at Westminster, on Friday next after the morrow of the Holy Trinity in this same term, and for our said present sovereign lord the king giveth the court here to understand and be informed, that some time ago, that is to say, upon the fifteenth day of July, in the nineteenth year of the reign of our said present sovereign lord George the Second, by the grace of God of Great Britain, &c. at the parish of, &c. in the county of S. one W. H. of, &c. in the said county, one of the officers of excise of our said present sovereign lord the king, in his own proper person came before J. C. C. esquire, and the reverend J. B. clerk, two of the justices of our said present sovereign lord the king assigned to keep the peace of our said present sovereign lord the king in and for the county of S. aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said county, and then and there gave to them the said justices information and complaint, that J. B. of, &c. in the said county, dealer in brandy, within three months then last past, that is to say, on, *&c. in the eighteenth year of the reign* of his said present majesty king George the Second, at, &c. in, &c. had retailed distilled spirituous liquors, that is to say, *half a quarter of a pint of brandy*, without taking out such licence for that purpose as by the statutes in that behalf made he ought to have done, against the peace of our said present sovereign lord the king, his crown and dignity, and also against the form of the statute in such case made and provided: and that thereupon afterwards, that is to say, on, &c. in the nineteenth year aforesaid, at, &c. in, &c. *one J. H. of, &c. in, &c.* being a credible witness in that behalf, came before them the said justices, and took his corporal oath upon the Holy Evangelists to speak the truth of and concerning the premises specified in the said information (they the said justices having then and there sufficient power and authority to administer the said oath to the said *J. H.* in that behalf); and the said *J. H.* being so sworn as aforesaid, then and there, before the said justices, said, deposed, and swore of and concerning the premises contained in the said information, that on, &c. he the said *J. H.* had bought of the said J. B. *half a quarter of a pint of brandy* in his the said J. B.'s brandy-shop, at, &c. in, &c.; and that he the said *J. H. drank off the same* in the said shop; and that he the said J. H. then and there *paid to the son* of him the said J. B. twopence for the same: and that thereupon the said J. B. after having been duly summoned, and then appearing before them the said justices, upon the said ninth day, &c. at, &c. in, &c. and being then present, and having fully understood the said information and the said evidence thereupon given by the said *J. H.* was then and there asked by them the said justices if he had any thing to say for himself why he the said J. B. should not be convicted of the premises charged upon him in and

by

in the due execution thereof; but in caſe there could not be found ſufficient to levy the ſum laſt mentioned, then and in ſuch caſe they, by a return of that warrant, were forthwith to certify the ſame to the ſaid juſtices, which ſaid warrant was then and there delivered to the ſaid W. C. and T. B. to be executed in due form of law; and thereupon afterwards, to wit, on, &c. in the thirtieth year of the reign of our ſaid lord the king, the ſaid ſum of twelve pounds ten ſhillings being and remaining wholly unpaid, the ſaid W. C. and T. B. did by virtue of the ſaid warrant go to the dwelling houſe, ſituate at, &c. within, &c. in, &c. and did then and there, by virtue and in execution of the ſaid warrant proceed to levy the ſaid ſum of twelve pounds ten ſhillings, by ſeizing and taking the goods and chattels of the ſaid W. J. then in the ſaid dwelling houſe; and the ſaid attorney general of, &c. for, &c. giveth the court here to underſtand and be informed, that D. T. late of, &c. W. K. late of, &c. R. T. late of, &c. well knowing the premiſes, but having no regard for the laws and ſtatutes of this realm, and being rioters and diſturbers of the peace of our ſaid lord the king, and unlawfully deviſing, contriving, and intending to obſtruct and impede the due courſe of law and juſtice, and to prevent the aforeſaid ſum of twelve pounds ten ſhillings from being levied on the aforeſaid goods and chattels of the ſaid W. J. together with divers other perſons, whoſe names are at preſent unknown to the ſaid attorney general, of, &c. on, &c. in the thirtieth year of, &c. by the grace of God of Great Britain, &c. with force and arms, at, &c. in the ſaid North Riding of the ſaid county of York, unlawfully, riotouſly, routouſly, and tumultuouſly did meet and aſſemble themſelves together near to the ſaid dwelling houſe of the ſaid W. J. there ſituate, with intent to break and diſturb the peace of our ſaid lord the king, and to obſtruct the ſaid W. C. and T. B. ſo being ſuch officers as aforeſaid, in the due execution of their ſaid offices and of the ſaid warrant ſo made as aforeſaid; and being ſo aſſembled and met together, did then and there make a very great noiſe, tumult, riot, and diſturbance, and did then and there unlawfully, riotouſly, routouſly, and violently endeavour and attempt by force to enter the ſaid dwelling houſe of the ſaid W. J. in which the ſaid W. C. and T. B. were then ſeizing and taking the goods and chattels of him the ſaid W. J. by virtue of and in execution of the ſaid warrant, and in and upon them, being then and there in the peace of God and our ſaid lord the king, and being alſo then and there in the due execution of their ſaid ſeveral and reſpective offices and of the ſaid warrant, did then and there, with force and arms, unlawfully, &c. make an aſſault, and them the ſaid W. C. and T. B. in the due execution of their ſaid ſeveral and reſpective offices, and of the ſaid warrant ſo made as aforeſaid, did then and there, with force and arms, unlawfully, &c. hinder, obſtruct, oppoſe, reſiſt, moleſt, and abuſe, and did threaten to kill and murder him the ſaid W. C. and other wrongs to

of them, and ſuch other perſon or perſons as they the ſaid R. R. J. B. and J. B. or either of them, ſhould take to their aſſiſtance were authorized and commanded, that they, every, or any of them ſhould levy upon the goods and chattels of the ſaid J. B. the ſaid ſum of five pounds recovered againſt him the ſaid J. B. by the ſaid W. H. in the ſaid warrant named, who proſecuted as well for our ſaid preſent ſovereign lord the king as for himſelf, for a certain offence alledged in the ſaid warrant to have been committed by the ſaid J. B. againſt the laws and ſtatutes of exciſe, being the ſame offence whereof the ſaid J. B. then ſtood convicted as aforeſaid by the ſaid firſt-mentioned conviction, before them the ſaid J. C. C. and J. B. the juſtices aforeſaid, and for levying thereof the ſaid R. R. J. B. and J. B. or either of them, and ſuch other perſon or perſons as they the ſaid R. R. J. B. and J. B. or either of them, ſhould take to their aſſiſtance, were commanded by the ſaid laſt-mentioned warrant to ſeize, take, and carry away the goods and chattels laſt-aforeſaid; and if in fourteen days next after ſuch ſeizure the ſame ſhould not be then redeemed, that then and in ſuch caſe, and after the expiration of the ſaid fourteen days, they the ſaid R. R. J. B. and J. B. or either of them, or any ſuch perſon or perſons as they the ſaid R. R. J. B. and J. B. or either of them, ſhould take to their aſſiſtance, were commanded by the ſaid warrant to make ſale thereof, or of ſo much thereof as would be ſufficient to levy the ſaid ſum of five pounds; and when the ſame ſhould be levied, they the ſaid R. R. J. B. and J. B. or either of them, and ſuch other perſons or perſon as they or either of them ſhould take to their aſſiſtance, were alſo commanded by the ſaid warrant forthwith to pay the ſame to the collector of exciſe for the collection called Taunton collection for the time being, to be by him applied and anſwered for according to the ſtatute in ſuch caſe made and provided; and if after levying thereof any overplus ſhould remain of the ſaid goods and chattels as aforeſaid, of the money ariſing by ſale thereof, that then the ſaid R. R. J. B. and J. B. or either of them, or ſuch perſon or perſons as they or either of them ſhould take to their aſſiſtance, ſhould render ſuch overplus to the ſaid J. B.: and it was further commanded in and by the ſaid warrant to all conſtables and headboroughs of the ſaid county, and they were thereby required to be aiding and aſſiſting to the ſaid R. R. J. B. and J. B. or to either of them, or to ſuch other perſon or perſons as they or either of them ſhould take to their aſſiſtance in the due execution of the ſaid warrant; but in caſe there could not be found ſufficient to levy the ſum laſt-mentioned, then and in ſuch caſe they the ſaid R. R. J. B. and J. B. or either of them, and ſuch perſon and perſons as they or either of them ſhould take to their aſſiſtance, a return of the ſaid warrant, was commanded forthwith to certify the ſame to the ſaid J. C. C. and J. B. the juſtices aforeſaid; and by the other of the ſaid warrants, they the ſaid R. R. J. B. and J. B. and each and every of them, and ſuch other perſon or perſons as they the ſaid R. R. J. B. and J. B. or either of them, ſhould take to their aſſiſtance, were authorized and commanded, that they, every, or any of them, ſhould levy upon

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by the ſaid information; and that foraſmuch as the ſaid J. B. then acknowledged to them the ſaid juſtices that he had not ſuch licence for retailing ſpirituous liquors, as the ſtatutes in that caſe made required; and becauſe it manifeſtly appeared to them the ſaid juſtices (they having heard and fully underſtood all and ſingular the matters and things alledged by the ſaid J. B. in his defence, that the ſaid J. B. was guilty of the ſaid premiſes ſpecified in the ſaid information, and charged upon him the ſaid J. B. in and by the ſaid information, in manner and form as in and by the ſaid information had been alledged againſt him as aforeſaid: therefore it was then and there conſidered and adjudged by them the ſaid juſtices, that the ſaid J. B. upon the evidence of the ſaid *J. H.* (*being* a credible witneſs, *upon oath as aforeſaid*), ſhould be and was convicted of the matters and things alledged againſt him in and by the ſaid information as aforeſaid, according to the form of the ſtatute in that caſe made and provided, and that he the ſaid J. B. ſhould forfeit the ſum of ten pounds of lawful money of Great Britain; which ſaid forfeiture of ten pounds they the ſaid juſtices did then and there mitigate and leſſen to the ſum of five pounds, to be diſtributed as the law in that caſe directed, as by the ſaid record of conviction (relation being thereunto had) doth more fully appear: And the ſaid attorney general of our ſaid preſent ſovereign lord the king, for our ſaid preſent ſovereign lord the king, giveth the Court here further to underſtand, that ſome time ago, that is to ſay, upon, &c. at, &c. in, &c. the ſaid W. H. being then one of the officers of, &c. &c. (The information then ſtates another complaint before the magiſtrates upon a charge againſt J. B. that he had retailed ſpirituous liquors, that is to ſay, *a dram glaſs of brandy, being under the quantity of two gallons*, without taking out ſuch licence, and the conviction of the ſaid J. B. upon the oath of one *J. P.* of the pariſh, &c. who ſwore that he had *ſeen bought* of J. B. a dram glaſs of brandy in his the ſaid J B.'s brandy ſhop, and that he *ſaw the ſame drank off* in the ſaid ſhop, and then and there *ſaw paid* to him the ſaid J. B. one penny for the ſame brandy: then ſtates a mitigation of the penalty for the ſecond offence from ten pounds to five pounds, as in the recital of the firſt charge, conviction, mitigation of forfeiture): And the ſaid attorney general of our ſaid preſent ſovereign lord the king giveth the Court here further to underſtand and be informed, that afterwards, that is to ſay, upon the ſaid ninth day, &c. in the nineteenth year aforeſaid, the ſaid J. C. C. and J. B. the juſtices aforeſaid, did, in conſequence of the ſaid ſeveral convictions, according to due form of law, make and iſſue out two ſeveral warrants in writing, under their hands and ſeals, bearing date upon the ſaid ninth day, &c. in the nineteenth year aforeſaid, and directed to the ſaid conſtables and tithing-men of the county of S. and alſo to R. R. J. B. and J. B. (being three of the officers of exciſe of our ſaid preſent ſovereign lord the king, or to either of them, and to ſuch other perſons or perſon as they the ſaid R. R. J. B. and J. B. or either of them, ſhould take to their aſſiſtance: by one of which ſaid warrants they the ſaid R. R. J. B. and J. B. and each and every of

2d Count.

the ſaid houſe, he the ſaid J. B. then and there following them the ſaid J. A. and J. B. to the outer door of the ſaid houſe into the king's common highway or ſtreet there, having at the ſame time the ſaid gun ſo preſented, levelled, and pointed at and towards them the ſaid J. B. and J. A. as aforeſaid; and that he the ſaid J. B. did then and there, with force and arms, unlawfully, violently, and maliciouſly give him the ſaid J. A. a violent blow upon the body of him the ſaid J. A. by puſhing the muzzle of the ſaid gun againſt the back of him the ſaid J. A.; by reaſon and means whereof, they the ſaid J. B. and J. A. were then and there hindered and abſolutely prevented from executing the ſaid two ſeveral warrants, or either of them, for the intents and purpoſes for which the ſame were ſo made and iſſued out as aforeſaid, and other miſchiefs upon them the ſaid J. A. and J. B. he the ſaid J. B. did then and there, with force and arms, unlawfully and violently bring, to the great damage of them the ſaid J. B and J. A in contempt of our ſaid preſent ſovereign lord the king and his laws, *to the manifeſt hindrance and obſtruction of public juſtice*, to the evil and pernicious example of all others in the like caſe offending, and alſo againſt the peace of our ſaid ſovereign lord the king, his crown and dignity: And the ſaid attorney general of, &c. for, &c. giveth, &c. that he the ſaid J. B. afterwards, that is to ſay, upon, &c. in the nineteenth year aforeſaid, with force and arms, in, &c. at, &c. in and upon them the ſaid J. B. and J. A. being then and there two of the officers of the exciſe of our ſaid preſent ſovereign lord the king, and being alſo then and there in the due execution of their ſaid ſeveral and reſpective offices, and being alſo then and there in the peace of God and of our ſaid preſent ſovereign lord the king, unlawfully and violently did make an aſſault and affray, and them the ſaid J. B. and J. A. he the ſaid J. B. did then and there, with force and arms, unlawfully and violently beat, wound, and treat ſo ill, that their lives were greatly deſpaired of, and alſo them the ſaid J. B. and J. A. being alſo then and there in the due execution of their ſaid ſeveral and reſpective offices as aforeſaid, he the ſaid J. B. did then and there, with force and arms, unlawfully, violently, and forcibly, hinder, obſtruct, reſiſt, oppoſe, abuſe, and moleſt, and other, &c. (as in the concluſion of the firſt Count, only inſtead of the words, "to the manifeſt hindrance and obſtruction of public "juſtice," ſay, *in diminution of the revenue of exciſe of our ſaid preſent ſovereign lord the king*: And the ſaid attorney general of, &c. for, &c. giveth, &c. that he the ſaid J. B. afterwards, that is to ſay, upon, &c. in the nineteenth year aforeſaid, with force and arms, at, &c. in, &c. in and upon them the ſaid J. B. and J. A. being then and there in the dwelling-houſe of him the ſaid J. B. and being alſo then and there in the peace of God and of our ſaid preſent ſovereign lord the king, unlawfully and violently did make an aſſault and affray, and them the ſaid J. B. and J. A. he the ſaid J. B. did then and there, with force and arms, unlawfully and violently beat, wound, and treat ſo ill, that their lives were greatly deſpaired of: and alſo, that he the ſaid J. B. did then and there, with

3d Count.

force and arms, unlawfully, wickedly, and maliciouſly preſent, point, and level at and toward them the ſaid J. B. and J. A. a certain other gun which he the ſaid J. B. then and there had and held in his hands, he the ſaid J. B. at the ſame time holding his finger on the ketcher or trigger thereof, ready to diſcharge and let off the ſame, and then and there in a moſt vehement and outrageous manner ſwearing and threatening that he the ſaid J. B. would ſhoot them the ſaid J. B. and J. A. if they did not immediately get out of his ſaid houſe; upon which they the ſaid J. B. and J. A. were then and there forced and obliged, for the preſervation of their lives, to retire and get out of the ſaid houſe, he the ſaid J. B. then and there following them the ſaid J. B and J. A. to the outer door of the ſaid houſe into the king's common highway or ſtreet there, having at the ſame time the gun ſo preſented, levelled, and pointed at and toward them the ſaid J. B. and J. A. in manner aforeſaid; and that he the ſaid J. B. did then and there, with force and arms, unlawfully, violently, and maliciouſly give him the ſaid J. A. a violent blow upon the back of him the ſaid J. A. by puſhing the muzzle of the ſaid gun againſt the back of him the ſaid J. A. and other miſchiefs upon them the ſaid J. B. and J. A. &c. &c. (as in the concluſion to the two former Counts, omitting the words in Italic): And the ſaid attorney general of, &c. for, &c. giveth, &c. that he the ſaid J. B. afterwards, that is to ſay, upon, &c. in the nineteenth year aforeſaid, in, &c. at, &c. in and upon them the ſaid J. B. and J. A. being then and there in the peace of God and of our ſaid preſent ſovereign lord the king, unlawfully and violently did make an aſſault and affray upon them the ſaid J. B. and J. A. he the ſaid J. B. did then and there, with force and arms, unlawfully and violently beat, wound, and treat ſo ill, that their lives were greatly deſpaired of, and other, &c. (concluſion ſame as the 3d): Whereupon the ſaid attorney general of, &c. for, &c. prayeth the conſideration of the Court here in the premiſes, and that due proceſs of law may be awarded againſt him the ſaid J. B. in this behalf, to make him anſwer to our ſaid preſent lord the king touching and concerning the premiſes aforeſaid.

Information for obſtructing exciſe officers in the executing of their duty.

MIDDLESEX, *ſſ.* Be it remembered that R. A. eſquire, attorney general of our preſent ſovereign lord the king, who for our ſaid lord the king in this behalf proſecuteth, in his proper perſon cometh here into the court of our ſaid lord the king, before the king himſelf at Weſtminſter, on Tueſday next after fifteen days from the day of Saint Hilary, in this ſame term, and for our ſaid lord the king giveth the court here to underſtand and be informed, that T. K. late of, &c. S. K. late of, &c. otherwiſe, &c. called J. K. late of, &c. and G. O. late of, &c. together with one perſon whoſe name, at preſent, is unknown to the ſaid attorney general of our ſaid lord the king, having no regard for the laws and ſtatutes of this realm, and unlawfully deviſing, contriving, and intending to cheat and defraud our ſaid lord the king

king in his revenue, on, &c. in the twenty-ſeventh year of the reign, &c. with force and arms, at, &c. in and upon G. S. and A. H. being then and there officers of the exciſe of our ſaid lord the king, duly conſtituted and appointed, and being then and there in the peace of God and of our ſaid lord the king, and being alſo then and there in the due execution of their ſeveral and reſpective offices, did unlawfully and violently make an aſſault upon them the ſaid G. L. and A. H. did then and there, with force and arms, unlawfully and violently beat, wound, and treat ſo ill, that their lives were greatly deſpaired of, and alſo them the ſaid G. L. and A. H. in the due execution of their ſeveral and reſpective offices did then and there, with force and arms, unlawfully, violently, and forcibly hinder, obſtruct, reſiſt, oppoſe, moleſt, and abuſe; and that they the ſaid T. K. &c. as aforeſaid, with a certain iron ſhovel did then and there give and ſtrike the ſaid G. L. ſo being ſuch officer as aforeſaid, and in the due execution of his ſaid office, divers violent and dangerous blows and ſtrokes on the head of him the ſaid G. L. and on divers parts of his body, by means whereof the ſaid G. L. did then and there looſe a great quantity of blood; and that they the ſaid T. K. &c. on the ſaid twenty-fifth day of December, in the twenty-ſeventh year of the reign, &c. with force and arms, at, &c. in and upon them the ſaid J. D. and W. W. being alſo then and there officers of the exciſe of our ſaid lord, &c. duly conſtituted and appointed, they the ſaid G. L. A. H. J. D. and W. W. being then and there in the peace of God and of our ſaid lord the king, and being alſo then and there in the due execution of their ſaid ſeveral and reſpective offices, did unlawfully and violently make an aſſault, and them the ſaid G. L. A. H. J. D. and W. W. did then and there, with force and arms, unlawfully and violently beat, wound, and treat ſo ill, that their lives were greatly deſpaired of; and alſo them the ſaid G. L. A. H. J. D. and W. W. did then and there, with force and arms, unlawfully, violently, and forcibly hinder, obſtruct, reſiſt, oppoſe, moleſt, and abuſe, and other wrongs to the ſaid G. L. A. H. J. D. and W. W. they the ſaid T. K. &c. then and there, with force and arms, unlawfully and violently did, to the great damage of the ſaid G. L. &c. in contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſovereign lord the king, his crown and dignity.

Information againſt defendants for riotouſly aſſembling and making a noiſe near to and entering into the dwelling houſe of one W. J. and hindering W. C. and J. B. from executing a warrant on the goods of W. J. granted by two juſtices on a conviction for keeping eight gallons of ſmuggled brandy and aſſaulting them in the execution of their office, ſetting forth the conviction of the juſtices at length.

THE KING *againſt* KAY AND OTHERS. } YORKSHIRE, to wit. Be it remembered that Sir Archibald M'Donald, knight, attorney general of our preſent ſovereign lord the king, who for our ſaid lord the king in that behalf proſecuteth, in his proper perſon cometh here into the

court

court of our said lord the king, before the king himself at Westminster, on Saturday next after the octave of Saint Hilary, in this same term, and for our said lord the king giveth the court here to understand and be informed, that on the eighth day of September 1789, D. R. collector of excise, as well for his said present majesty king George the Third as for himself, at, &c. in, &c. did exhibit to and before Sir F. W. baronet, and W. W. esquire, two of his majesty's justices of the peace for the said North Riding, a complaint and information, and thereby did inform them the said justices, that within three months then last past, that is to say, on, &c. then instant, at, &c. within the North Riding of the said county of York, one W. J. did knowingly harbour, keep, and conceal, and did knowingly permit and suffer to be harboured, kept, and concealed, divers run goods and merchandizes liable to the duties of excise and inland duties; that is to say, a large quantity of foreign brandy and foreign Geneva, to wit, eight gallons of foreign brandy and sixteen gallons of foreign Geneva, with the package containing the same, being of a large value, to wit, of the value of ten pounds, which foreign brandy and foreign Geneva had been unlawfully imported into this kingdom, and had been run and landed without entry and payment of the duties due and payable for the same, contrary to the form of the statute in such case made and provided, whereby and by force of the statute in that case made and provided the said W. J. had forfeited the said foreign brandy and Geneva and treble the value thereof, amounting, in the whole, to the sum of thirty pounds of lawful money of Great Britain; whereupon one W. C. being an officer of excise, did on, &c. then instant, then seize and arrest as forfeited the said eight gallons of foreign brandy and sixteen gallons of foreign Geneva, and the same did by force of the said statute become forfeited and lost; and thereupon the said D. R. who, as well for, &c. prayed the judgment of the said justices in the premises, and that he might have one moiety of the said forfeiture and penalty, according to the form of the statute in such case made, and that the said W. J. might be summoned to answer the said premises, and make defence thereto before the said justices; and thereupon afterwards, to wit, on, &c. at the house of Mr. John Taylor, being an inn or public house, known by the sign of the Black Swan, at, &c. within, &c. in, &c. being the time and place appointed by the said Sir W. F. and W. W. the justices aforesaid, for the hearing and determining the matters contained in the said information, the said W. J. then and there appeared before the said justices in his proper person, pursuant to their summons issued for that purpose, to answer and make defence in and to the matters contained in the said information, and having heard the same, the said W. J. was asked by the said justices what he could say for himself, why he should not be convicted of the premises, and why the said eight gallons of foreign brandy and sixteen gallons of

Information before a justice for concealing foreign spirits.

foreign Geneva ſhould not be condemned as forfeited by the ſaid juſtices, for the cauſes in the ſaid information mentioned and contained; and thereupon he did deny the matters charged in the ſaid information, and did ſay that he was not guilty of the ſame or any part thereof; whereupon they the ſaid juſtices did then and there proceed to examine into the truth of the ſaid complaint and information, and thereupon on, &c. at, &c. W. C. of, &c. in, &c. and T. B. of, &c. in, &c. officers of exciſe, two credible witneſſes in that behalf, on the part of the ſaid information came before the ſaid juſtices in their proper perſons, and upon their ſeveral and reſpective oaths on the holy Evangeliſts of God, then and there adminiſtered to them reſpectively and ſeverally by the ſaid juſtices (they the ſaid juſtices having full power and authority to adminiſter ſuch oath to them in that behalf), they the ſaid W. C. and T. B. ſeverally and reſpectively in the preſence and hearing of the ſaid W. J. did depoſe and ſay in the premiſes as follows; and firſt the ſaid W. C. for himſelf did ſay, that on, &c. [ſet out W. C.'s depoſition as in the conviction], and the ſaid T. B. for himſelf did ſay, that, &c. [ſet out his depoſition, and ſo on to the end of the conviction], as by the record of the ſaid condemnation and conviction may more fully appear: And the ſaid attorney general of, &c. for, &c. further giveth the court here to underſtand and be informed, that the ſaid W. J. did not pay the ſaid ſum of twelve pounds ten ſhillings, or any part thereof, and thereupon afterwards, to wit, on, &c. at, &c. the ſaid Sir W. F. and W. W. being ſuch juſtices as aforeſaid, did make their certain warrant in writing, under their hands and ſeals, bearing date the ſame day and year laſt aforeſaid, which ſaid warrant was directed to the ſaid W. B. and T. C. ſo being officers of exciſe, or either of them, and to ſuch other perſon and perſons as they or either of them ſhould take to their aſſiſtance, and by the ſaid warrant the ſaid juſtices did authorize and command them and every or any of them upon the goods and chattels of the ſaid W. J. they ſhould levy the ſaid ſum of twelve pounds ten ſhillings recovered as aforeſaid, and for levying thereof they were thereby ordered to ſeize, take, and carry away the goods and chattels aforeſaid, and if within ſix days next after ſuch ſeizure the ſaid goods and chattels ſhould not be redeemed, then and in ſuch caſe, and after the expiration of the ſaid ſix days, they were to make ſale thereof, or of ſo much thereof as would be ſufficient to pay the ſaid ſum of twelve pounds ten ſhillings, which, when levied, they were forthwith to pay to the collector of exciſe, for the collection called W. for the time being, to be by him applied and anſwered for according to the ſtatute in ſuch caſe made and provided; and if, after levying thereof, any overplus ſhould remain of the goods and chattels as aforeſaid, or of the money ariſing by the ſale thereof, they were to render ſuch overplus to the ſaid W. J. and all conſtables and headboroughs of the ſaid county were thereby required to be aiding and aſſiſting them

Magiſtrates' warrant.

in

in the due execution thereof; but in caſe there could not be found ſufficient to levy the ſum laſt mentioned, then and in ſuch caſe they, by a return of that warrant, were forthwith to certify the ſame to the ſaid juſtices, which ſaid warrant was then and there delivered to the ſaid W. C. and T. B. to be executed in due form of law; and thereupon afterwards, to wit, on, &c. in the thirtieth year of the reign of our ſaid lord the king, the ſaid ſum of twelve pounds ten ſhillings being and remaining wholly unpaid, the ſaid W. C. and T. B. did by virtue of the ſaid warrant go to the dwelling houſe, ſituate at, &c. within, &c. in, &c. and did then and there, by virtue and in execution of the ſaid warrant proceed to levy the ſaid ſum of twelve pounds ten ſhillings, by ſeizing and taking the goods and chattels of the ſaid W. J. then in the ſaid dwelling houſe; and the ſaid attorney general of, &c. for, &c. giveth the court here to underſtand and be informed, that D. T. late of, &c. W. K. late of, &c. R. T. late of, &c. well knowing the premiſes, but having no regard for the laws and ſtatutes of this realm, and being rioters and diſturbers of the peace of our ſaid lord the king, and unlawfully deviſing, contriving, and intending to obſtruct and impede the due courſe of law and juſtice, and to prevent the aforeſaid ſum of twelve pounds ten ſhillings from being levied on the aforeſaid goods and chattels of the ſaid W. J. together with divers other perſons, whoſe names are at preſent unknown to the ſaid attorney general, of, &c. on, &c. in the thirtieth year of, &c. by the grace of God of Great Britain, &c. with force and arms, at, &c. in the ſaid North Riding of the ſaid county of York, unlawfully, riotouſly, routouſly, and tumultuouſly did meet and aſſemble themſelves together near to the ſaid dwelling houſe of the ſaid W. J. there ſituate, with intent to break and diſturb the peace of our ſaid lord the king, and to obſtruct the ſaid W. C. and T. B. ſo being ſuch officers as aforeſaid, in the due execution of their ſaid offices and of the ſaid warrant ſo made as aforeſaid; and being ſo aſſembled and met together, did then and there make a very great noiſe, tumult, riot, and diſturbance, and did then and there unlawfully, riotouſly, routouſly, and violently endeavour and attempt by force to enter the ſaid dwelling houſe of the ſaid W. J. in which the ſaid W. C. and T. B. were then ſeizing and taking the goods and chattels of him the ſaid W. J. by virtue of and in execution of the ſaid warrant, and in and upon them, being then and there in the peace of God and our ſaid lord the king, and being alſo then and there in the due execution of their ſaid ſeveral and reſpective offices and of the ſaid warrant, did then and there, with force and arms, unlawfully, &c. make an aſſault, and them the ſaid W. C. and T. B. in the due execution of their ſaid ſeveral and reſpective offices, and of the ſaid warrant ſo made as aforeſaid, did then and there, with force and arms, unlawfully, &c. hinder, obſtruct, oppoſe, reſiſt, moleſt, and abuſe, and did threaten to kill and murder him the ſaid W. C. and other wrongs to

the ſaid W. C. and T. B. they the ſaid defendants, then and there, with force and arms, unlawfully, &c. did, to the great damage of the ſaid W. C. and T. B. in contempt of our ſaid lord the king and his laws, to the great hindrance and obſtruction of public juſtice, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: *And* the ſaid attorney general of, &c. for, &c. further giveth, &c. that on, &c. at, &c. in, &c. Sir W. F. and W. W. two of the juſtices of our ſaid lord the king, aſſigned to keep the peace within the ſaid riding, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſaid riding, did in due form of law make their certain warrant in writing, under their hands and ſeals, directed to Meſſrs. W. C. and T. B. officers of exciſe, or either of them, or to ſuch other perſon or perſons as they or either of them ſhould take to their aſſiſtance, and did by the ſaid warrant in his majeſty's name authorize them, or any of them, that upon the goods and chattels of W. J. of, &c. in, &c. they ſhould levy the ſum of twelve pounds ten ſhillings, recovered againſt him by Mr. D. R. who proſecuted as well for our ſovereign lord the king as for himſelf, for a certain offence committed by the ſaid W. J. againſt the laws and ſtatutes of exciſe, whereof he ſtood convicted before them the ſaid Sir W. F. and W. W. the juſtices aforeſaid, that day, and for levying thereof the ſaid W. C. and T. B. and the ſaid other perſon or perſons in that behalf aforeſaid, were to ſeize, take, and carry away the goods and chattels aforeſaid, and if within ſix days next after ſuch ſeizure the ſame ſhould not be redeemed, then and in ſuch caſe, and after the expiration of the ſaid ſix days, they were to make ſale thereof, or of ſo much thereof as would be ſufficient to levy the ſaid ſum of twelve pounds ten ſhillings, which ſaid warrant was then and there delivered to the ſaid W. C. and T. B. to be executed in due form of law: And the ſaid attorney general of, &c. for, &c. giveth, &c. that they the ſaid W. C. and T. B. afterwards, to wit, on, &c. in the thirtieth year of, &c. the ſaid ſum of twelve pounds ten ſhillings being and remaining wholly unpaid by virtue and in execution of the ſaid warrant, did go to the dwelling houſe of the ſaid W. J. ſituate at, &c. and did then and there proceed to levy the ſaid ſum of twelve pounds ten ſhillings upon the goods and chattels of the ſaid W. J. then being in the ſaid houſe: And the ſaid attorney general of, &c. for, &c. giveth, &c. that they the ſaid defendants well, &c. but having no regard for, &c. and unlawfully, &c. to obſtruct the due courſe of law and juſtice, them the ſaid W. C. and T. B. then and there being in the peace of God and of our ſaid lord the king, and being alſo then and there in due manner levying the ſaid ſum of twelve pounds ten ſhillings upon the goods and chattels of the ſaid W. J. by virtue of the ſaid warrant, did unlawfully, violently, and forcibly hinder, obſtruct, oppoſe, moleſt, and abuſe, in contempt

2d Count, for obſtructing the officers in the execution of their office in levying a ſum of money on the goods of W. J. by virtue of a warrant from two juſtices, generally, without ſetting forth the conviction.

tempt of, &c. to the evil, &c. and against the peace of, &c. *And* the said attorney general of, &c. for, &c. giveth, &c. that they the said defendants, together with divers other persons whose names are at present unknown to the said attorney general, of, &c. being rioters, routers, and disturbers of the peace of our said lord the king, afterwards, that is to say, on, &c. in the thirtieth year of, &c. with force and arms, at, &c. in, &c. did unlawfully, riotously, routously, and tumultuously meet and assemble together, to break and disturb the peace of our said lord the now king, and, being so assembled and met together, did then and there make a great noise, tumult, riot, and disturbance, and did then and there remain and continue so assembled as aforesaid, and making such noise as aforesaid for a long space of time then next following, to the great disturbance of the public peace, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity: And the said attorney general of, &c. for, &c. giveth, &c. that they the said defendants afterwards, that is to say, on, &c. in the thirtieth year of, &c. with force and arms, at, &c. them the said W. C. and T. B. being then and there officers of excise of our said lord the king, and being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of their said several and respective offices, did unlawfully, violently, and forcibly hinder, obstruct, resist, molest, oppose, and abuse, in contempt of, &c. &c.: Whereupon the said attorney general of, &c. for, &c. prayeth the consideration of the court here in the premises, and that due process of law may be awarded against them the said defendants in that behalf, to make them answer to our said lord the king touching and concerning the premises; wherefore the said sheriff of the said county of York was commanded that he should not forbear by reason of any liberty in his bailiwick, but that he should cause them to come and answer to our said lord the king touching and concerning the premises aforesaid. (Plea, not guilty; two of the defendants were found guilty.)

3d Count, against defendants for tumultuously assembling and making a riot.

4th Count, for obstructing officers of excise in the execution of their office.

PLEAS before our lord the king, at Westminster, of Hilary term, in the third year of the reign of our sovereign lord George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith.

Among the pleas of the king. ROLL.

WILTSHIRE, *ss.* Be it remembered that T. H. who as well for our present sovereign lord the king as for himself in this behalf prosecuteth, in his proper person came here into the court of our said present sovereign lord the king, before the king himself, at Westminster, on Saturday next after the morrow of All Souls

Information *qui tam*, for *molesting an exciseman* in seizing tea without a permit.

Souls laſt paſt, and as well for our ſaid preſent ſovereign lord the king as for himſelf, brought into the court of our ſaid preſent ſovereign lord the king, before the king himſelf, then and there a certain information againſt R. C. late of Shirſton, in the county of Wilts, taylor, which ſaid information followeth in theſe words, that is to ſay, Wiltſhire: — Be it remembered, that T. H. who as well for our preſent ſovereign lord the king as for himſelf in this behalf proſecuteth, in his proper perſon cometh here into the court of our ſaid preſent ſovereign lord the king, before the king himſelf, at Weſtminſter, on Saturday next after the morrow of All Souls, in the ſame term; and as well for our ſaid preſent ſovereign lord the king as for himſelf, giveth the court here to underſtand and be informed, that R. C. late of S. in the county of Wilts, taylor, ſince the twenty-fourth day of June, which was in the year of Our Lord 1724, that is to ſay, upon the twentieth day of February, in the ſecond year of the reign of our ſaid preſent ſovereign lord George the Third, by the grace of God, of Great Britain, France and Ireland, king, defender of the faith, &c. with force and arms, at the pariſh of S. in the county of W. aforeſaid, in and upon one W. W. being then and there one of the officers for the duties granted by a certain act made and provided in the parliament held by prorogation, at Weſtminſter, upon the ninth day of January, in the tenth year of the reign of his late majeſty king George the Firſt, entitled, "An Act for repealing certain Duties therein "mentioned, payable upon Coffee, Tea, Cocoa Nuts, Choco-"late, and Cocoa Paſte, imported; and for granting certain "Inland Duties in lieu thereof, and for prohibiting the Importa-"tion of Chocolate ready made, and Cocoa Paſte; and for better "aſcertaining the Duties payable upon Coffee, Tea, and Cocoa "Nuts imported, and for granting Relief to R. D. late Earl of "Carnwath;" and being alſo then and there in the peace of God and of our ſaid preſent ſovereign lord the king, and being alſo then and there in the due execution of his ſaid office, in the due ſeizing and ſecuring to and for the uſe of our ſaid preſent ſovereign lord the king, ſeven pounds weight of tea, being of the value of one pound fifteen ſhillings and upwards of lawful money of Great Britain, the ſaid tea being then and there found by him the ſaid W. W. removed and carried along the king's common highway, at the pariſh of S. aforeſaid, in the county of Wilts aforeſaid, by the ſaid R. C. without a lawful permit or certificate for the ſame in that behalf firſt had and obtained, ſignifying and certifying the names and places of abode of the buyer and ſeller, and expreſſing the quantity and ſpecies thereof, and that the inland duties due and payable to our ſaid preſent lord the king in that behalf, thereupon by the ſaid act herein above-mentioned, had been duly paid and ſatisfied, or that the ſame had been condemned as forfeited, or had been part of any ſtock in hand, did unlawfully and violently make an aſſault and affray, and him the ſaid W. W. he the ſaid R. C. did then and there, with force and arms, unlawfully and violently beat, wound, and treat ſo ill, that his life was greatly

despaired of; and him the said W. W. being then and there in the due execution of his said office as aforesaid, he the said R. C. did then and there, with force and arms, unlawfully and violently resist, oppose, molest, obstruct, and hinder, and other mischiefs upon him the said W. W. he the said R. C. did then and there with force and arms, unlawfully and violently bring, to the great damage of him the said W. W. in contempt of our said present sovereign lord the king and his laws, to the great fraud of our said present sovereign lord the king, and in diminution of the revenue of the excise of our said present sovereign lord the king, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity, and also against the form of the statute in such case made and provided; by reason whereof, and by force of the said statute, he the said R. C. hath forfeited and lost the sum of fifty pounds of lawful money of Great Britain, one moiety of the said forfeiture to the use of our said present sovereign lord the king, his heirs, and successors; and the other moiety thereof to him the said T. H. who as well for our said present sovereign lord the king as for himself in this behalf prosecuteth; whereupon the said T. H. (who as well for our said present sovereign lord the king as for himself in this behalf prosecuteth) prayeth that he may have one moiety of the said forfeiture herein above mentioned, according to the form of the statute, and that due process of law may be awarded against him the said R. C. in this behalf to make him answer, as well to our said present sovereign lord the king as to him the said T. H. touching and concerning the premises aforesaid; wherefore the sheriff of the said county of Wilts was commanded that he should not forbear by reason of any liberty in his bailiwick, but that he should cause him to come to answer to our said lord the king touching and concerning the premises aforesaid: And now, that is to say, on Monday next after the octave of Saint Hilary, in this same term, before our said lord the king, at Westminster, cometh the said R. C. by J. M. his attorney, and having heard the said information read, he saith that he is not guilty thereof, and hereupon he putteth himself upon the country; and the honourable C. Yorke, attorney-general of our said lord the king, who for our said lord the king in this behalf prosecuteth, doth the like.

LIBEL. (a)

Information against defendant for publishing a libel against three justices of the peace, the churchwarden and overseers of a parish accusing them of having been guilty of fraud concerning the poor rates, &c. &c.

GLOUCESTERSHIRE, to wit. Be it remembered that James Burrow, esquire, coroner, and attorney of our present

(a) See Indictments for Libels, ante 199.

ſovereign lord the king, in the court of our preſent ſovereign lord the king, before the king himſelf, who proſecuteth for our ſaid preſent ſovereign lord the king in this behalf, in his proper perſon cometh here into the court of our preſent ſovereign lord the king, before the king himſelf, at Weſtminſter, on Friday next after the morrow of the Holy Trinity, in this ſame term, and for our ſaid preſent ſovereign lord the king giveth the court here to underſtand and be informed, that Robert Dowars, late of, &c. tallow chandler, being a perſon of a moſt wicked and malicious temper and diſpoſition, and unlawfully and unjuſtly, wickedly and maliciouſly deviſing, deſigning, contriving, and intending to defame, aſperſe, ſcandalize, and vilify the character of T. C. &c. being now and at the time of writing, printing, and publiſhing the falſe, ſcandalous, and defamatory libel hereafter mentioned, three of the juſtices of our ſaid preſent ſovereign lord the king, aſſigned to keep, &c. and alſo hear, &c. and who uſually acted, and ſtill do act as ſuch juſtices of the peace of our ſaid preſent ſovereign lord the king within the diviſion of the ſaid county of G. wherein the ſaid pariſh of, &c. lyeth, and alſo unlawfully, unjuſtly, maliciouſly, and wickedly deſigning, deviſing, contriving, and intending to defame, aſperſe, ſcandalize, and vilify the characters of J. D. churchwarden of the pariſh of, &c. in, &c. J. S. &c. the late overſeers of the poor of the ſaid pariſh, and alſo A. W. &c. now and at the time of writing, printing, and publiſhing the falſe, ſcandalous, and defamatory libel, hereinafter mentioned, veſtry-man, and inhabitants of the ſaid pariſh of, &c. and moſt unlawfully, unjuſtly, wickedly, and maliciouſly deviſing, contriving, deſigning, and intending as much as in him the ſaid R. D. lay to inſinuate and cauſe it to be believed, that they the ſaid J. C. &c. as ſuch juſtices of the peace aforeſaid, he the ſaid J. D. as ſuch churchwarden, &c. as aforeſaid, that they the ſaid T. S. &c. as ſuch overſeers as overſaid, and the ſaid A. W. &c. as ſuch veſtry-man of the ſaid pariſh as aforeſaid, had been guilty of very great frauds, abuſes, and miſdemeanors, in the execution of their ſeveral and reſpective offices aforeſaid, in relation to the rates made for the relief of the poor of the ſaid pariſh of, &c. in, &c. and other matters relating to the ſaid pariſh, upon the thirtieth day of, &c. in the twentieth year of the reign, &c. by the grace of God, &c. with force and arms, at, &c. in, &c. did unlawfully and maliciouſly, wickedly and ſcandalouſly, compoſe, write, print, and publiſh, and did cauſe and procure to be compoſed, written, printed, and publiſhed, a certain wicked, infamous, ſcandalous, and defamatory libel of and concerning them the ſaid T. C. &c. (all their names) entitled, "A Dialogue be-
" tween a C—h W——n (meaning a churchwarden of the out
" pariſh of, &c. in, &c.) and a Quaker Paymaſter, in which many
" of the V-ſt-y's (meaning veſtry's) baſe and villainous, &c. &c.
" &c."—In which ſaid ſcandalous and defamatory libel are contained, among other things, by way of feigned and ſuppoſed converſation or dialogue, divers wicked, ſcandalous, malicious, and defamatory matters, that is to ſay, in one part thereof according

to

to the tenor following, that is to ſay, " A Dialogue between, &c. " (explaining the words wrote in blanks,)" Churchwarden, being " one of the Speakers;" the inuendoes (meaning the ſaid J. D. late churchwarden of the pariſh aforeſaid, in the ſaid county of G. when he ſpeaks of the rate it is called, meaning the rate for the relief of the poor of the pariſh of, &c. in the ſaid county of G. the pronouns very ſeldom, if at all, explained by inuendoes): after the word " Juſtices" is ſaid (meaning the aforeſaid T. C. &c. the juſtices of the peace of our ſaid lord the king, acting within the diviſion of the ſaid county of G. wherein the ſaid pariſh of, &c. lyeth as aforeſaid); and after the word " Veſtry-man," (meaning the veſtry-men of the ſaid pariſh of, &c. aforeſaid) And in another part thereof, according to the tenor following, that is to ſay, (Here follows a new clauſe.) And in another part of the ſame ſcandalous and infamous libel, to the tenor following, that is to ſay, &c. To the great ſcandal, infamy, and diſgrace of them the ſaid T. C. &c. in contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity. And the ſaid coroner and attorney of our ſaid preſent ſovereign lord the king giveth the court here further to underſtand and be informed, that the ſaid R. D. being a perſon of a moſt wicked and malicious temper and diſpoſition, and unlawfully, unjuſtly, wickedly, and maliciouſly deviſing, deſigning, contriving, and intending further to defame, aſperſe, ſcandalize, and vilify the characters of the ſaid T. C. &c. being, as aforeſaid, three of the juſtices, &c. who uſually acted, &c. and alſo unlawfully, unjuſtly, wickedly, and maliciouſly, deſigning, &c. further to defame, &c. the characters of the ſaid J. D. late, &c. in, &c. J. S. &c. the late overſeers of, &c. and alſo A. W. &c. heretofore and now veſtry-men and inhabitants of, &c. afterwards, that is to ſay, on, &c. in, &c. with force and arms, at, &c. in, &c. did unlawfully, &c. compoſe, &c. and did cauſe and procure to be compoſed, &c. by way of feigned or ſuppoſed converſation or dialogue, a certain other wicked, &c. libel of and concerning him the ſaid T. C. &c. (all their names) intitled " A Dialogue," (as before); which ſaid laſt-mentioned libel he the ſaid R. D. hath moſt unlawfully, &c. inſinuated, and as much as in him the ſaid R. D. lay, cauſed it to be believed that they the ſaid T. C. &c. as ſuch juſtices of the peace as aforeſaid, he the ſaid T. D. as ſuch churchwarden of the ſaid pariſh, &c. they the ſaid T. S. &c. as ſuch overſeers of the poor of the ſaid pariſh as aforeſaid; and the ſaid A. W. &c. as ſuch veſtry-men of the ſaid pariſh, had been guilty of very great frauds, abuſes, and miſdemeanors, in the execution of their ſeveral and reſpective offices aforeſaid, in relation to the rate made for the relief of the poor of, &c. in, &c. and other matters relating to the ſaid pariſh, and that they the ſaid T. C. &c. juſtices aforeſaid, would readily ſign any rate for the relief of the poor of the ſaid pariſh that the veſtry-men of the ſaid pariſh ſhould think upon without examining the ſame,

to

to the great ſcandal, infamy, diſcredit, and diſgrace of them the ſaid T. C. &c. eſquires, and J. D. J. S. &c. in contempt of our ſaid preſent ſovereign lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid ſovereign lord the king, his crown and dignity: And thereupon the ſaid coroner and attorney of our ſaid preſent ſovereign lord the king prayeth the conſideration of the court here in the premiſes, and that due proceſs of law may be awarded againſt him the ſaid R. D. in this behalf, to make him anſwer to our ſaid preſent ſovereign lord the king, touching and concerning the premiſes aforeſaid.

Information againſt a printer for publiſhing a libel in one of the newſpapers, accuſing the Ruſſian ambaſſador of having ſent advice to the enemies of this country.

LONDON, ſſ. Be it remembered that James Wallace, eſquire, attorney general of our preſent ſovereign lord the king, who for our ſaid preſent ſovereign lord the king in this behalf proſecuteth, in his proper perſon cometh here unto the court of our preſent ſovereign lord the king, before the king himſelf, at Weſtminſter, on Tueſday next after the octave of Saint H. in this ſame term, and for our ſaid preſent ſovereign lord the king giveth the court here to underſtand and be informed, that on, &c. in the twenty-firſt year of the reign, &c. and before, there was and yet is an open and public war between our preſent ſovereign lord the king and the French king; and alſo on the ſame day and year laſt mentioned, there was and yet is an open and public war between our preſent ſovereign lord the king and the king of Spain, and that on the ſame day and year, and before hoſtilities were carried on by our ſaid ſovereign lord the king againſt the States General of the United Provinces, that is to ſay, at the pariſh of St. Mary-le-Bow, in the ward of Cheap, in London aforeſaid: And the ſaid attorney general of our ſaid lord the king giveth the court here further to underſtand and be informed, that on the ſame day and year laſt aforeſaid, and before, there was and yet is a ſtrict and firm friendſhip between our ſaid preſent ſovereign lord the king and her imperial majeſty, the empreſs of all the Ruſſias, and during all the time there was and yet is a mutual intercourſe and commerce between the ſubjects of our ſaid preſent ſovereign lord the king and the ſubjects of her ſaid imperial majeſty, in the exportation out of this kingdom to the dominions of her imperial majeſty of divers productions and manufactures from the dominions of our ſaid preſent ſovereign lord the king of Great Britain, and in the importation into this kingdom, from the dominions of her ſaid imperial majeſty, divers productions and manufactures of the dominions of her ſaid imperial majeſty, for the uſe of the navy of our ſaid lord the preſent king, and the ſhips of the ſubjects of our ſaid preſent ſovereign lord the king of Great Britain, and for other beneficial purpoſes; and that his excellency John Simolin, a ſubject of her ſaid imperial majeſty, before the printing and publiſhing the falſe, ſcandalous, infamous, and defamatory libel hereinafter next mentioned, had been ſent from her ſaid imperial majeſty, in quality of her

her ſaid imperial majeſty's envoy extraordinary, and miniſter plenipotentiary to our ſaid preſent ſovereign lord the king, to preſerve and cultivate the friendſhip between our ſaid ſovereign lord the king and her ſaid imperial majeſty, and to maintain the ſaid mutual intercourſe and commerce between their ſubjects; and that his excellency, John Simolin, before the printing and publiſhing of the ſaid falſe, ſcandalous, infamous, and defamatory libel hereinafter next mentioned, to wit, on, &c. in the nineteenth year of the reign &c. was received by our ſaid preſent ſovereign lord the king in quality of envoy extraordinary and miniſter plenipotentiary from her ſaid imperial majeſty to our ſaid preſent ſovereign lord the king, and from thence until and at the time of printing and publiſhing of the falſe, ſcandalous, infamous, and defamatory libel hereinafter next mentioned, reſided, and ſtill doth reſide, within this kingdom, with the conſent of our ſaid preſent ſovereign lord the king, in quality of envoy extraordinary and miniſter plenipotentiary from her ſaid imperial majeſty to our ſaid preſent ſovereign lord the king, and was the only public miniſter, during that time, from her ſaid imperial majeſty to our ſaid preſent ſovereign lord the king, reſident within this kingdom, that is to ſay, at the pariſh of, &c. And the ſaid attorney general of our ſaid lord the king, for our ſaid lord the king, giveth the court here further to underſtand and be informed, that before the printing and publiſhing of the falſe, ſcandalous, infamous, and defamatory libel hereinafter next mentioned, that is to ſay, on, &c. in the ſaid twenty-firſt year, &c. and in the morning of Thurſday, &c. in the ſame year, certain falſe, &c. reports were propagated of intelligence having been given by his ſaid excellency J. S. during his reſidence in this kingdom, as envoy extraordinary and miniſter plenipotentiary as aforeſaid, to the ſaid enemies of our lord the king, to enable them the better to conduct themſelves in the ſaid wars, in which they were then engaged with our ſaid lord the king, that is to ſay, at, &c. And the ſaid attorney general of our ſaid preſent ſovereign lord the king, for our ſaid preſent ſovereign lord the king giveth the court here further to underſtand and be informed, that John Bew, late of London, printer, being a perſon of a wicked and malicious diſpoſition, and diſregarding the law of nations and the rights and privileges of public miniſters of foreign princes and ſtates, and unlawfully and wickedly, and maliciouſly deviſing and deſigning to traduce and vilify the reputation, integrity, and honour of his ſaid excellency J. S. and unjuſtly and wickedly to inſinuate and cauſe it to be believed that his ſaid excellency had diſregarded his character and dignity of a public miniſter from her ſaid imperial majeſty to our ſaid preſent ſovereign lord the king, and had diſhonourably and infamouſly proſtituted the ſame to ſerve the enemies of our ſaid preſent ſovereign lord the king, and to confirm, as far as in him the ſaid J. B. lay, the ſaid falſe, &c. reports propagated concerning his ſaid excellency as aforeſaid, and unjuſtly and wickedly to excite and create unwarrantable and injurious jealouſies, and ſuſpicions of the conduct, integrity, and honour of his ſaid excel-

lency,

lency, and to expose him to contempt; and most maliciously and wickedly, as far as in him the said J. B. lay, to interrupt and destroy the harmony and friendship which happily subsists between our said present sovereign lord the king and her said imperial majesty, and the said intercourse and commerce between the subjects of our said present sovereign lord the king and the subjects of her said imperial majesty, unlawfully, wickedly, and maliciously, during the time of the said wars, to wit, on, &c. in the twenty-first year, &c. with force and arms, at, &c. to wit, in the parish of, &c. did print and publish, and caused and procured to be printed and published, a certain false, &c. libel intitled "The General "Evening Post (London), from Thursday, January 18, to Sa-"turday, January 20, 1781—No. 7317:" in which said libel of and concerning his said excellency J. S. and also concerning him in his character of such public minister as aforesaid, from her said imperial majesty to our said present sovereign lord the king, respecting the said false, &c. reports propagated concerning his said excellency as aforesaid, are contained, among other things, divers false, &c. matter; that is to say, in one part thereof according to the tenor following, to wit, &c. &c. &c. to the great scandal, injury, and disgrace of his said excellency J. S. to the great reproach and ignominy of his said excellency in his character of envoy extraordinary and minister plenipotentiary as aforesaid, in violation of the law of nations, and of the protection and security which public ministers of foreign princes and states ought and are entitled to enjoy in this kingdom; in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: And the said attorney general of our said present sovereign lord the king, for our said present sovereign lord the king in this behalf prosecuteth, giveth the court here further to understand and be informed, that on, &c. in the 21st year, &c. and for divers months, there was and yet is an open and public war between our said present sovereign lord the king and the French king; and that on the same day and year last mentioned, and before, there was and yet is an open and public war between our said present sovereign lord the king and the king of Spain, that is to say, at L. aforesaid, in the parish and ward aforesaid: And the said attorney general of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that his said excellency J. S. at the time of publishing the false, &c. libel hereinafter next mentioned, and before, was and yet is a public minister, that is to say, envoy extraordinary and minister plenipotentiary from her imperial majesty the empress of all the Russias to our said present sovereign lord the king, accepted and received by our said lord the king as such public minister, and during that time hath resided, and still resides in this kingdom in quality of such public minister, with the consent of our said present sovereign lord the king, that is to say, a. L. aforesaid, in the parish, &c. And the said attorney-general of

of our ſaid lord the king, for our ſaid lord the king giveth the court here further to underſtand and be informed, that before the publication of the falſe, &c. libel herein after mentioned, certain falſe, &c. reports had been propagated concerning his ſaid excellency, and highly injurious to his character and honour, to wit, at L. aforeſaid, in, &c. And the ſaid attorney general of our ſaid lord the king, for our ſaid lord the king giveth the court here further to underſtand and be informed, that the ſaid J. B. being a perſon of a wicked and malicious diſpoſition, and diſregarding the law of nations, and the rights and privileges of public miniſters of foreign princes and ſtates, and unlawfully, wickedly, and maliciouſly intending, deviſing, and contriving to traduce and vilify the reputation, character, and honour of his ſaid excellency J. S. and unjuſtly and wickedly to inſinuate and cauſe it to be believed, that his ſaid excellency had diſgraced the character of a public miniſter from her imperial majeſty to our preſent ſovereign lord the king, and had diſhonourably and infamouſly proſtituted the ſame to ſerve the enemies of our ſaid lord the king, and to excite and create unwarrantable and injurious jealouſies and ſuſpicions of the conduct, integrity, and honour of his ſaid excellency, and to expoſe him to contempt, unlawfully, wickedly and maliciouſly, during the time of the ſaid war between our ſaid preſent ſovereign lord the king and the French king, to wit, on, &c. in the twenty-firſt year, &c. with force and arms, at, &c. to wit, at, &c. did publiſh and cauſe, and procure to be publiſhed of and concerning his ſaid exeellency J. S. and concerning him in his character of ſuch public miniſter as aforeſaid, and alſo reſpecting the ſaid reports ſo propagated as laſt mentioned, a certain other falſe, &c. libel, according to the tenor following, to wit, &c. &c. &c. to the great injury, ſcandal, and diſgrace of his ſaid excellency J. S. &c. &c. &c. (as before): And the ſaid attorney general of our ſaid lord the king giveth the court here further to underſtand and be informed, that on, &c. in the twenty-firſt year, &c. and before, there was and yet is an open and public war between, &c. &c. that is to ſay, at, &c. And the ſaid attorney-general of our ſaid lord the king, for, &c. giveth, &c. that his ſaid excellency J. S. at the time of publiſhing, &c. libel hereinafter next mentioned, and before, was and yet is a public miniſter (that is to ſay) plenipotentiary of her imperial majeſty the empreſs of all the Ruſſias to our preſent ſovereign lord the king, accepted and received by our ſaid lord the king as ſuch public miniſter, and during that time hath reſided, and ſtill reſides in this kingdom in quality of ſuch public miniſter, that is to ſay, at, &c. And the ſaid attorney general of, &c. for, &c. giveth, &c. that the ſaid J. B. being a perſon of a wicked, &c. and diſregarding the law of nations, and the rights and privileges of public miniſters and foreign princes and ſtates, and unlawfully, &c. intending, &c. to traduce and vilify the reputation, integrity, and character of his ſaid excellency J. S. and unjuſtly and wickedly to inſinuate and cauſe it to be believed that his ſaid

excellency

excellency had disgraced the character of a public minister from her imperial majesty to our said present sovereign lord the king, and had dishonourably and infamously prostituted the same to serve the enemies of this kingdom, and to excite and create unwarrantable and injurious jealousies and suspicions of the conduct, integrity, and honour of his said excellency, and to expose him to contempt, unlawfully, &c. during the time of the said war between our said present, &c. and the French king, to wit, on, &c. in the twenty-first year, &c. with force and arms, at, &c. in, &c. did publish, and cause and procure to be published, of and concerning his said excellency J. S. being such public minister as last aforesaid, a certain other false, &c. libel, according to the tenor following, that is to say, &c. &c. &c. to the great injury, scandal, and disgrace of his said excellency J. S. in violation of the law of nations, and of the protection and security which public ministers of foreign princes and states ought and are entitled to enjoy in this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: whereupon &c. (usual conclusion of an information by the attorney general.)

Information against the printer of a newspaper for publishing a libel against the chief justice, and the rest of the judges of the king's bench.

HAMPSHIRE, *ss.* Be it remembered, that Lloyd Kenyon, esquire, attorney general of our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his proper person cometh here into the court of our said lord the king, before the king himself, at Westminster, on Monday next after five weeks from the feast-day of Easter in the same term, and for our said lord the king giveth the court here to understand and be informed, that in Hilary term, in the twenty-second year, &c. in the court of our said lord the king, before the king himself, at Westminster, the right honourable William, earl of Mansfield, then and there being chief justice of the said court, and present therein, one John Hill was brought into the said court in custody of the keeper of his majesty's goal at Winchester, in the county of Southampton, by virtue of his majesty's writ of *habeas corpus*, before that time issued out of that court for that purpose: and the said keeper did then and there certify to the said court of our said lord the king, before the king himself, that he the said John Hill, on, &c. was committed into the custody of Benjamin Smith, esquire, sheriff, and of him the said keeper, by virtue of a warrant under the hand and seal of George Huish, gentleman, coroner for the borough of Portsmouth, in the said county; by which warrant he the said John Hill was committed, as being, by an inquisition of twelve good and lawful men of the liberties of the said borough of Portsmouth, duly taken before him as coroner for the said borough, found guilty of feloniously and wilfully killing and murdering one Peter Lloyd, at, &c. within the said liberties on, &c. then last past: And the

the ſaid attorney general, for, &c. giveth, &c. that upon reading the depoſitions taken before the ſaid George Huiſh, coroner for the ſaid borough of Portſmouth, of the body of the ſaid Peter Lloyd; and upon reading the affidavits and hearing of counſel on both ſides, it was then and there ordered by the ſaid court of our ſaid lord the king, before the king himſelf, at Weſtminſter, that he the ſaid John Hill having then in the ſaid court given a recognizance for his perſonal appearance at the then next aſſizes and general goal delivery, to be holden in and for the ſaid county of Southampton, ſhould be diſcharged out of the cuſtody of the ſaid keeper, on the account aforeſaid: And the ſaid attorney general of, &c. for, &c. giveth, &c. that Luke Kent, late of, &c. in, &c. printer, well knowing the premiſes, but being a perſon of a depraved and wicked mind, and of a malicious temper and diſpoſition, diſregarding and deſpiſing the laws of this realm, and moſt unlawfully, wickedly, maliciouſly, and deliberately deviſing, contriving, and intending to traduce, vilify, and bring into contempt and deteſtation the judges of the ſaid court of our ſaid lord the king, before the king himſelf, and particularly the ſaid William, earl of Mansfield, chief juſtice of the ſaid court, and to inſinuate, and as far as in him the ſaid L. Kent lay, to cauſe it to be believed, that the judges of the ſaid court of our ſaid lord the king, before the king himſelf, and particularly the ſaid William, earl of Mansfield, ſo being ſuch juſtice, had acted arbitrarily, partially, and corruptly in admitting the ſaid John Hill to bail as aforeſaid; and had done that which by law they were not warranted to do: And further, moſt unlawfully, &c. deviſing, &c. the minds of the jurors who ſhould be returned and impannelled for the trial of the ſaid John Hill, at the ſaid then next aſſizes and general goal delivery, to be holden in and for the ſaid county of S. againſt the ſaid J. Hill, and unjuſtly and wickedly to cauſe the ſaid jurors to find the ſaid J. H. guilty of the crime of murder in killing the ſaid Peter Lloyd aforeſaid, that is to ſay, on, &c. in the twenty-ſecond year, &c. with force and arms, at, &c. in, &c. moſt unlawfully, wickedly, and maliciouſly, did print and publiſh, and cauſe and procure to be printed and publiſhed, in a certain newſpaper, entitled "The Hampſhire Chronicle," printed by L. Kent and W. Mowbray, Portſmouth—No. 181—Monday, March 4, 1782, of and concerning the ſaid admiſſion to bail of the ſaid John Hill as aforeſaid, and of and concerning the judges of the court of our ſaid lord the king, before the king himſelf, and of and concerning the ſaid William, earl of Mansfield, ſo being ſuch chief juſtice as aforeſaid, in his office of chief juſtice as aforeſaid, and alſo of and concerning the ſaid John Hill, a certain falſe, wicked, ſcandalous, infamous, and malicious libel, in the form of a letter, according to the tenor following, that is to ſay, &c. &c. (recite the letter) to the great ſcandal, infamy, and diſgrace of the judges of the ſaid court of our ſaid lord the king, before the king himſelf, and particularly of the ſaid William, earl of Mansfield, ſo being ſuch chief juſtice as aforeſaid, in manifeſt perverſion and violation of the laws

laws of this realm, and to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the ſaid attorney general of, &c. for, &c. giveth, &c. that in Hilary Term, in the twenty-ſecond year, &c. in the court of our ſaid lord the king, before the king himſelf, at Weſtminſter, John Hill was by the ſaid court delivered to bail, (the ſaid William, earl of Mansfield, then and there being chief juſtice of the ſaid court, and preſiding therein), upon a writ of *habeas corpus ad ſubjiciendum*, for his perſonal appearance at the next aſſizes and general goal delivery, to be holden at Wincheſter, in and for the county of Southampton, to anſwer all ſuch matters and things as on his majeſty's behalf ſhould then and there be objected againſt him, and not to depart the court without leave, the ſaid John Hill, before ſuch delivery to bail, having been in the cuſtody of the keeper of his majeſty's goal at Wincheſter, in the ſaid county of Southampton, by which the ſaid John Hill was committed, as being, by an inquiſition of twelve good and lawful men of the ſaid borough found guilty of the wilful murder of Peter Lloyd: And the ſaid attorney general of, &c. for, &c. giveth, &c. that the ſaid Luke Kent well knowing the premiſes laſt aforeſaid, but being ſuch aforeſaid, and moſt unlawfully, &c. deviſing, &c. to traduce, vilify, and bring into contempt and deteſtation the right honourable William, earl of Mansfield, chief juſtice of our lord the king, aſſigned to hold pleas before the king himſelf, to inſinuate, and as much as in him the ſaid Luke Kent lay, to cauſe it to be believed that the ſaid William, earl of Mansfield, ſo being ſuch chief juſtice as laſt aforeſaid, had acted arbitrarily, &c. in conſenting to admit the ſaid John Hill to bail as aforeſaid, and had done that which by law he was not warranted to do, afterwards, that is to ſay, on, &c. in the twenty-ſecond year aforeſaid, with force and arms, at, &c. in, &c. moſt unlawfully, &c. did publiſh, and cauſe and procure to be publiſhed in a certain newſpaper called "The Hampſhire Chronicle"—No. 181.—Monday, March 4, 1782, a certain other falſe, &c. libel, in which ſaid laſt-mentioned libel of and concerning the ſaid William, earl of Mansfield, in his office of chief juſtice as laſt aforeſaid, are contained divers falſe, &c. matters, that is to ſay, in one part thereof, according to the tenor following, to wit, &c. &c. &c. to the great ſcandal, &c. (as before). And the ſaid attorney-general of, &c. for, &c. giveth, &c. that on Tueſday next after the Purification of the Bleſſed Virgin Mary, in Hilary Term, in the twenty-ſecond year, &c. John Hill being brought into the ſaid court, in cuſtody of the keeper of his majeſty's goal at Wincheſter, in the county of Southampton, by virtue of his majeſty's writ of *habeas corpus*, for that purpoſe iſſued out of the ſaid court, the ſaid keeper did certify to the ſaid court of our ſaid lord the king, before the king himſelf, that he the ſaid John Hill, on, &c. was committed into the cuſtody of Benjamin Smith, eſquire, ſheriff, and of him the ſaid

2d Count.

3d Count.

ſaid keeper, by virtue of a warrant under the hand and ſeal of George Huiſh, gentleman, coroner for the borough of Portſmouth, in the ſaid county, by which warrant he the ſaid John Hill was committed, as being, by an inquiſition of twelve good and lawful men of the liberty of the ſaid borough of Portſmouth, duly taken before him as coroner for the ſaid borough, found guilty of feloniouſly and wilfully killing and murdering one Peter Lloyd, at, &c. within the ſaid liberties, on, &c. And the ſaid attorney general of, &c. for, &c. giveth, &c. that he the ſaid John Hill was then and there by the ſaid court of our ſaid lord the king, before the king himſelf, delivered to bail for his perſonal appearance at the then next aſſizes and general goal delivery, to be held at Wincheſter, in and for the ſaid county of Southampton, to anſwer all ſuch matters and things as on his majeſty's behalf ſhould then and there be objected againſt him: And the ſaid attorney general of, &c. for, &c. giveth, &c. that the ſaid Luke Kent, being ſuch perſon as aforeſaid, and moſt unlawfully, &c. deviſing, &c. to influence and prejudice the minds of the jurors who ſhould be returned and impanelled for the trial of the ſaid John Hill at the ſaid then next aſſizes and general goal delivery to be holden in and for the ſaid county of Southampton, againſt the ſaid John Hill, and unjuſtly and wickedly to cauſe the ſaid jurors to find the ſaid John Hill guilty of the crime of murder, in killing the ſaid Peter Lloyd, afterwards, that is to ſay, on, &c. in the twenty-ſecond year, &c. with force and arms, at, &c. moſt unlawfully, &c. did publiſh, and cauſe and procure to be publiſhed in a certain newſpaper, entitled "The Hampſhire Chronicle,"—No. 181—Monday, March 4, 1782—a certain falſe, &c. libel, in the form of a letter, addreſſed to the right hon. the e—l of M—d (meaning the earl of Mansfield), in which ſaid laſt-mentioned libel of and concerning the ſaid John Hill, are contained divers falſe, &c. that is to ſay, in one part thereof, according to the tenor following, to wit, &c. &c. &c. to the great damage and prejudice of the ſaid J. H. in manifeſt perverſion of the laws of this realm, in contempt of our ſaid lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: Whereupon the ſaid attorney general of, &c. who for, &c. in this behalf proſecuteth for, &c. prayeth the conſideration of the court here in the premiſes, and that due proceſs of law may be awarded againſt him the ſaid L. K. in this behalf, to make him anſwer to our ſaid lord the king, touching and concerning the premiſes aforeſaid.

AGAINST JUSTICES.

Hilary Term, 29. Geo. II.

Information against a justice of peace for knowingly taking insufficient sureties for the appearance of a person charged with seducing manufacturers to go into foreign parts, without notice to the committing justice.

1st Count states the commitment particularly.

MIDDLESEX, to wit. Be it remembered that James Burrow, esquire, coroner and attorney of our said present sovereign lord the king, in the court of our said present sovereign lord the king before the king himself, who prosecuteth for our said present sovereign lord the king in this behalf, in his proper person cometh here into the court of our said present sovereign lord the king before the king himself at Westminster, on Friday next after the octave of Saint Hilary, in this same term, and for our present sovereign lord the king giveth the court here to understand and be informed, that on the nineteenth day of July, in the year of Our Lord 1755, in the county of Middlesex, Boulton Mainwaring, esquire (then and yet one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed withing the said county), did within the said county of Middlesex, that is to say, at the parish of Saint Margaret, Westminster, in the said county, make his certain warrant in writing, under his hand and seal, bearing date the day and year last above-mentioned, directed to the keeper of his majesty's gaol of Newgate, whereby it is recited, that Martin Warinn had been brought before him the said Boulton Mainwaring, esquire, by William Phillips, headborough, charged upon the oath of Thomas Davis with seducing Joseh (meaning Joseph) Pyne, James Swinger, William Fagnall, Thomas Simes, Joseph Thompson, William Brown, and James Keet, being natives of this kingdom and manufactors (meaning manufacturers) in glass, to go into foreign services; therefore he the said Boulton Mainwaring, esquire, the justice aforesaid, in and by the said warrant did charge and order the said keeper of his majesty's said gaol of Newgate to receive the said M. W. into the custody of him the said keeper of Newgate, then sent to him the said keeper, together with the said warrant, for want of sureties, and him the said M. W. safely to keep in his custody until he the said M. W. should be discharged by due course of law; which said warrant afterwards, to wit, on the said nineteenth day of July, was directed to the said keeper of his majesty's said gaol of Newgate, in due form of law to be executed, together with the said M. W. by virtue of which said warrant he the said keeper of his majesty's said gaol of Newgate kept and detained the said M. W. in his custody in the said gaol, for the cause in the same warrant above specified: And the said coroner and attorney of our said present sovereign lord the king, for our said present sovereign lord the king giveth the court here further to understand and be informed, that afterwards and during the time the said M. W. was in the said gaol of Newgate, and in the custody of the said keeper of

of his majesty's said gaol aforesaid, for the cause aforesaid, that is to say, on the seventh day of August, in the said twenty-ninth year of the reign of our said present sovereign lord the king, one Thomas L. of New Palace-yard, in the parish of Saint Margaret, within the liberty of Westminster, in the county of Middlesex, esquire, (then and yet being one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county), well knowing the premises, but devising, designing, contriving, and intending to obtain and acquire to himself a large sum of money and other advantages; and also devising, designing, contriving, and intending to pervert the due course of law and justice, and to make the same subservient to his own private lucre and gain, and to his own private wicked purposes and intention, did at the parish of Saint Margaret, Westminster, aforesaid, in the county of Middlesex aforesaid, under a colour of divers false pretences and informations, and for his own lucre and gain, and for other unlawful considerations, with force and arms, unlawfully, wilfully, and corruptly procure the said M. W. to be discharged and to escape and go at large from and out of the custody of the said keeper of his majesty's said gaol of Newgate, in which he the said M. W. was so confined as aforesaid, for the cause aforesaid, without taking sufficient sureties for the personal appearance of the said M. W. at the then next general gaol delivery, to be holden for the said county of Middlesex, to answer the aforesaid complaint against the said M. and by then and there knowingly taking insufficient sureties for the personal appearance of the said Martin at the said then next general gaol delivery to be holden for the said county; and also without any notice being first given to the prosecutor of the said M. or to the said B. M. esquire, who had so committed the said Martin as aforesaid, for the cause aforesaid, of any persons whatsoever intending to become sureties for the personal appearance of the said Martin as aforesaid, by then and there, to wit, on the said seventh day of August, in the year aforesaid, at the parish of Saint M. aforesaid, in the county aforesaid, making a certain warrant in writing, under the hand and seal of him the said Thomas L. then being one of his majesty's justices of the peace for the said county of Middlesex as aforesaid, bearing date the said seventh day of August, in the twenty-ninth year aforesaid, directed to the keeper of Newgate, or his deputy, and by which said last-mentioned warrant he the said Thomas L. did require the said keeper of his majesty's said gaol of Newgate (meaning the said keeper of his majesty's said gaol of Newgate for the said county of Middlesex), or his deputy, to discharge out of custody the body of the said Martin Warinn aforesaid, detained for no other cause than what is mentioned in the warrant of commitment of Boulton Mainwaring, esquire (meaning the aforesaid warrant of B. M.

esquire, one of his majesty's justices of the peace of the said county of Middlesex, who had so granted the first above-mentioned warrant as aforesaid), dated the nineteenth day of July then last, on the oath of Thomas Davis, for seducing J. P. J. S. W. F. T. S. J. T. W. B. and J. K. (being natives of this kingdom and manufacturers in glass) to go into foreign service; and also in and by the said last-mentioned warrant of him the said T. L. falsely alledging that he the said Thomas L. had taken sufficient sureties for his the said M. W.'s personal appearance at the then next general gaol delivery to be holden for the county of Middlesex, at Justice Hall, in the Old Bailey, in the suburbs of the city of London, by means whereof he the said M. W. was afterwards, that is to say, on the said seventh day of August, discharged from the said gaol of Newgate, and by means whereof he the said M. W. then and there did escape and go at large, and also by means thereof he the said M. W. did not appear at the said then next general gaol delivery, holden for the said county of Middlesex, to answer to certain indictments then and there (to wit, at the said then next general gaol delivery for the said county of Middlesex) preferred against him for the matters of complaint in the said warrant of commitment above specified, nor hath since appeared to be dealt with according to law, to the great hindrance of public justice, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: *And the said coroner* and attorney of our said present sovereign lord the king, for our said present sovereign lord the king giveth the court here further to understand and be informed, that afterwards, that is to say, on the said nineteenth day of July, in the twenty-ninth year aforesaid, the aforesaid Martin Warinn was duly committed to his majesty's said gaol of Newgate for the county of Middlesex, for want of sureties being charged on the oath of one Thomas Davis, with seducing several persons (being natives of this kingdom and manufacturers in glass) to go into foreign service; and that the aforesaid Thomas L. well knowing the premises afterwards, and during the time the said M. W. was kept and detained in the same gaol for the cause aforesaid, that is to say, on the said seventh day of August, in the twenty-ninth year aforesaid, he the said Thomas L. (then and yet being one of the justices of our said lord the king, assigned to keep the peace of our said lord the king, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county of Middlesex) but having no regard for the duty of his said office, or for the laws and statutes of this realm, but unjustly and corruptly devising, designing, contriving, and intending to pervert the due course of law and justice, and to make the same subservient to his own private wicked purposes and intentions, and also devising, designing, contriving, and intending to cause and procure

2d Count states was committed for want of sureties.

cure the ſaid M. W. to be diſcharged and go unpuniſhed for the ſaid laſt-mentioned offences, did then and there, to wit, on the ſaid ſeventh day of Auguſt, in the twenty-ninth year aforeſaid, at the pariſh of Saint Margaret, Weſtminſter, in the county of Middleſex aforeſaid, with force and arms, unlawfully, unjuſtly, and corruptly cauſe and procure the ſaid M. W. to be diſcharged out of the ſaid gaol and to go unpuniſhed for the ſaid laſt-mentioned offences, by then and there making a certain other warrant, purporting to be a warrant under the hand and ſeal of him the ſaid Thomas L. and to bear date the ſame day, and to be directed to the keeper of Newgate, or his deputy, and thereby directing and requiring the ſaid keeper of Newgate, or his deputy, to diſcharge the body of the ſaid Martin Warinn, and alſo in and by the ſaid laſt-mentioned warrant, ſuggeſting that he the ſaid Thomas L. had taken ſufficient ſureties for the perſonal appearance of him the ſaid M. W. at the then next general gaol delivery to be holden for the ſaid county of Middleſex, at Juſtice Hall, in the Old Bailey, in the ſuburbs of the city of London; whereas in truth and in fact he the ſaid Thomas L. did not take ſufficient ſureties for the perſonal appearance of the ſaid M. W. at the ſaid then next general gaol delivery to be holden for the ſaid county of Middleſex, as in and by the ſaid laſt-mentioned warrant is moſt falſely ſuggeſted, by reaſon and means whereof he the ſaid M. W. was diſcharged out of the ſaid gaol of Newgate, in which he was ſo confined for the matters laſt-mentioned as aforeſaid, and did not appear at the ſaid then next general gaol delivery, holden for the ſaid county of Middleſex, to anſwer for the ſame, and alſo by reaſon and means thereof he the ſaid M. W. did eſcape and go unpuniſhed for the ſaid laſt-mentioned offences, for which he had been ſo detained in the ſaid gaol of Newgate as aforeſaid, to the great hindrance of public juſtice, in contempt of our ſaid preſent ſovereign lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid preſent ſovereign lord the king, his crown and dignity: *And the ſaid coroner* and attorney of our ſaid lord the king, for our ſaid lord the king giveth the court here further to underſtand and be informed, that afterwards, that is to ſay, on the ſaid nineteenth day of July, in the twenty-ninth year aforeſaid, the ſaid M. W. was duly committed to his ſaid majeſty's ſaid gaol of Newgate, for the ſaid county of Middleſex, by B. M. eſquire (then and yet one of the juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king in the ſaid county of Middleſex, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdeeds committed in the ſaid county), by a certain other warrant, under his hand and ſeal, bearing date the day and year laſt above mentioned, for ſeducing Joſeh (meaning Joſeph) Pyne, J. S. W. F. T. S. J. T. W. B. and J. K. (being natives of this kingdom and manufacturers in glaſs) to go into foreign ſervice; and that afterwards, to wit, at the ſeſſion of the general gaol

3d Count ſtates commitment as in the 1ſt, and that various indictments were preferred, but defendant took inſufficient ſureties, and priſoner did not appear.

delivery of Newgate, holden for the ſaid county of Middleſex, at Juſtice Hall, in the Old Bailey, in the ſuburbs of the city of London, on Wedneſday, the tenth day of September, in the twenty-ninth year aforeſaid (the ſame being the firſt ſeſſion of general gaol delivery, holden in the ſaid county after the ſaid nineteenth day of July), the ſaid Martin Warinn was in due form of law indicted in one indictment by the name of M. W. otherwiſe Martin Warinn, late of the pariſh of Saint John, Wapping, in the county of Middleſex, yeoman, amongſt other things, for unlawfully enticing and perſuading the ſaid Joſeph Pyne, in the ſaid laſt-mentioned warrant called by the name of Joſeh Pyne, (being an artificer and manufacturer of Great Britain, in the art, trade, and myſtery of glaſſmaker, being a trade and manufacture of this kingdom) to go out of this kingdom into a foreign country not within his ſaid majeſty's dominions, that is to ſay, into Norway and parts beyond the ſeas, to the great danger of tranſplanting the ſaid trade and manufacture into foreign countries, againſt the form of the ſtatutes in ſuch caſe made and provided; and that he the ſaid M. W. in the ſaid laſt-mentioned warrant named, was alſo at the ſame ſeſſion of general gaol delivery of Newgate, holden for the ſaid county of Middleſex, in due form of law indicted in another indictment by the name of M. W. otherwiſe M. W. late of the pariſh of Saint John, Wapping, in the county of Middleſex, yeoman, among other things, for unlawfully enticing and perſuading *James Swinger*, otherwiſe Swingwood, in the ſaid laſt-mentioned warrant called by the name of J. S. (being an artificer and manufacturer of Great Britain, in the art, trade, and myſtery of a glaſſmaker, being a trade and manufacture of this kingdom) to go out of this kingdom into a foreign country not within his ſaid majeſty's dominions, that is to ſay, into Norway, in parts beyond the ſeas, to the great danger of tranſplanting the ſaid trade and manufacture into foreign countries, againſt the form of the ſtatute in ſuch caſe made and provided; and that he the ſaid M. W. in the ſaid laſt-mentioned warrant named, was alſo at the ſame ſeſſion of general gaol delivery of Newgate, holden for the ſaid county of Middleſex, in due form of law indicted, &c.: (another indictment for perſuading William Fagnall, another for perſuading Thomas Simes, another for perſuading Joſeph Thompſon, another for perſuading William Brown, and another for perſuading James Keet): And the ſaid coroner and attorney of our ſaid lord the king, for our ſaid lord the king giveth the court here further to underſtand and be informed, that the ſaid Thomas L. after the time of the ſaid Martin Warinn's being ſo committed to the ſaid gaol of Newgate, by ſuch laſt-mentioned warrant as aforeſaid, and during the time of his the ſaid M.W.'s being detained in the ſaid gaol of Newgate by virtue of ſuch warrant, and before the ſaid ſeſſion of general gaol delivery of Newgate, ſo holden for the ſaid county of Middleſex, that is to ſay, on the ſaid ſeventh day of Auguſt, in the twenty-ninth year aforeſaid,

aforesaid, at the parish of Saint Margaret, Westminster, aforesaid, in the said county of Middlesex (being then such justice of the peace of our said lord the king as aforesaid, and well knowing the grievous pains and penalties he the said M. W. would by the laws and statutes of this realm become subject and liable to, by means of the several offences so as aforesaid charged against him in and by such last-mentioned warrant, but wickedly, unlawfully, and corruptly devising, contriving, and intending, contrary to the duty of his office and the laws of this kingdom, to cause and procure the said M. W. to escape and go unpunished for the offences so as aforesaid charged against him in and by such last-mentioned warrant), he the said Thomas L. did then and there, with force and arms, unlawfully, wilfully, unjustly, and corruptly cause and procure him the said M. W. to be discharged out of the said gaol, and to go unpunished for the said offences in the said last-mentioned warrant mentioned, by his the said Thomas L. then and there making a certain other warrant, under his hand and seal, purporting to bear date on the said seventh day of August, and to be directed to the keeper of Newgate, or his deputy (and which said warrant is according to the purport and effect following, that is to say): "Middlesex, "to wit. To the keeper of Newgate, or his deputy. Discharge "out of your custody the body of M. W. if detained for no "other cause than what is mentioned in the warrant of com-"mitment of Boulton Mainwaring, esquire, dated the nineteenth "day of July last, on the oath of Thomas Davis, for seducing "Joseph Pyne, James Swinger, William Fagnall, Thomas Simes, "Joseph Thompson, William Brown, and James Keet, being "natives of this kingdom and manufacturers in glass, to go "into foreign service; having taken sufficient sureties for his "personal appearance at the next general gaol delivery, to be "holden for the county of Middlesex, at Justice Hall, in the "Old Bailey, in the suburbs of the city of London; and for "your so doing this shall be your warrant. Given under my "hand and seal, the seventh day of August 1755. Thomas L. "L. S." Whereas in truth and in fact he the said Thomas L. had not taken sufficient sureties for the personal appearance of the said M. W. at the said then next general gaol delivery, to be holden for the said county of Middlesex, as in and by the said last-mentioned warrant is most untruly alledged, and he the said Thomas Lediard then and there well knew the same; by reason and means whereof he the said M. W. was discharged out of the said gaol of Newgate, in which he was so detained for the cause aforesaid, and did not appear at the said then next general gaol delivery, holden for the said county of Middlesex, or at any subsequent session of general gaol delivery holden for the said county, to answer to all, or any, or either of the said indictments so as aforesaid there depending against him, but made default, and by reason and means thereof all and every the said indictments still remain unanswered and undefended; and he the said

M. W. hath hitherto escaped and gone unpunished for the several offences for which he was so committed to the said gaol of Newgate as aforesaid, to the total perversion of the public justice of this kingdom, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: *Whereupon* the said coroner and attorney of our said present sovereign lord the king, for our said present sovereign lord the king, prayeth the consideration of the court here in the premises, and that due process of law may be awarded against him the said Thomas L. in this behalf, to make him answer to our said present sovereign lord the king touching and concerning the premises aforesaid.

Conclusion.

Hilary Term, 28. Geo. III.

Information against justices of the peace for misconduct in their office, exhibited in the crown office, in illegally discharging a person committed under the vagrant act by another magistrate.

MIDDLESEX, to wit. Be it remembered that James Templer, esquire, coroner and attorney of our present sovereign lord the king, in the court of our lord the king before the king himself, who prosecuteth for our said present sovereign lord the king in this behalf, in his proper person cometh here into the court of our lord the king before the king himself, at Westminster, on Wednesday next after the morrow of the Purification of the Blessed Virgin Mary in this same term, and for our present sovereign lord the king giveth the court here to understand and be informed, that on the seventeenth day of July, in the year of Our Lord 1787, at and in the liberty of his majesty's Tower of London, in the county of Middlesex, one Charles Bannister was brought before John Staples, esquire, one of his majesty's justices of the peace in and for the said liberty, by William Embly, a constable, and charged of being a rogue and vagabond, within the intent and meaning of an act of parliament made in the seventeenth year of the reign of his late majesty king George the Second, intitled, "An Act to amend and "make more effectual the Laws relating to Rogues, Vagabonds, "and other idle and disorderly Persons, and to Houses of Cor-"rection;" for that he the said Charles Bannister, not being authorized by law, did, on the sixteenth day of July, in the year of Our Lord 1787, for hire and gain act and perform the part and character of Menelaüs, in a certain entertainment of the stage called The Birth-Day; or, The Arcadian Contest, in a certain theatre called Royalty Theatre, situate in Well-street, in the parish of Saint Mary Matfellon, otherwise Whitechapel, in the said liberty, contrary to the said statute, &c. and was thereupon convicted and adjudged by the said justice to be a rogue and vagabond, within the intent and meaning of the said statute, and was ordered and adjudged by the said justice to be committed to the house of correction at Wellclose-square, in the liberty aforesaid, for the space of fourteen days from the date thereof, as by the record of the said conviction, bearing date the said

ſaid ſeventeenth day of July 1787, appears; and the ſaid coroner and attorney of our ſaid lord the king, who for our ſaid lord the king proſecutes as aforeſaid, further gives the court here to underſtand and be informed, that the ſaid J. Staples, ſo being ſuch juſtice as aforeſaid, afterwards, to wit, on the ſeventeenth day of July, in the year laſt aforeſaid, at the liberty aforeſaid, in the county of Middleſex aforeſaid, in execution of the ſaid judgment and conviction, did make and iſſue his warrant in writing under his hand ſeal, bearing date the ſame day and year laſt aforeſaid, directed to the governor of the houſe of correction at Wellcloſe-ſquare, or his deputy, whereby the ſaid governor, or his deputy, were commanded by the ſaid juſtice to receive into their cuſtody the body of the ſaid C. B. therewith ſent them, brought before the ſaid juſtice, and charged and convicted as aforeſaid, and him ſafely to keep in their cuſtody for the ſaid ſpace of fourteen days from the date thereof, which ſaid warrant afterwards, to wit, on the ſaid ſeventeenth day of July, in the year 1787 aforeſaid, at the liberty aforeſaid, in the county of Middleſex aforeſaid, was delivered to the ſaid governor of the houſe of correction, at Wellcloſe-ſquare aforeſaid, in due form of law to be executed, together with the ſaid C. B. by virtue of which ſaid warrant he the ſaid governor kept and detained the ſaid C. B. in his cuſtody in the ſaid houſe of correction, at Wellcloſe-ſquare aforeſaid, for the cauſe in the ſaid warrant as above ſpecified, as by the ſaid warrant he was commanded: And the ſaid coroner and attorney of our ſaid preſent ſovereign lord the king, for our ſaid preſent ſovereign lord the king giveth the court here further to underſtand and be informed, that afterwards, and within the ſaid ſpace of fourteen days from the date of the ſaid warrant, and whilſt the ſaid C. B. was ſo confined in the ſaid houſe of correction, and in the cuſtody of the ſaid governor thereof, and there ought to have remained and continued for the ſaid ſpace of time in the ſaid warrant for that purpoſe expreſſed, for the cauſe aforeſaid, under and by virtue of the ſaid warrant, to wit, on the ſaid ſeventeenth day of July, in the year aforeſaid, at the liberty aforeſaid, in the county of Middleſex aforeſaid, one Richard B. late of , eſquire, and one James R. late of , eſquire, they the ſaid Richard B. and James R. then and ſtill being two of his majeſty's juſtices in and for the ſaid liberty, well knowing the ſaid premiſes, but deviſing, deſigning, contriving, and intending to pervert the due courſe and adminiſtration of law and juſtice, and to make the ſame ſubſervient to their own private lucre and gain, and to their own private wicked purpoſes and intentions, did under colour and pretence of their authority as ſuch juſtices as aforeſaid, with force and arms, unlawfully, wilfully, unjuſtly, and corruptly cauſe and procure the ſaid Charles B. to be diſcharged, and to eſcape and go at large from and out of the cuſtody of the ſaid governor of the ſaid houſe of correction, and from and out of the ſaid houſe of correction in which he the ſaid C. B. was ſo confined as aforeſaid, for the cauſe aforeſaid, and to go

unp[illegible],

unpunished, by then and there wilfully, wickedly, unlawfully, and corruptly making and issuing, and causing to be delivered to the said governor of the said house of correction, at Wellclose-square aforesaid, a certain warrant in writing, under the respective hands and seals of the said Richard B. and James R. (they the said Richard B. and James R. then being such two of his majesty's justices of the peace in and for the said liberty as aforesaid), bearing date the day and year last aforesaid, directed to the keeper of the Tower gaol, Wellclose-square (meaning thereby the said governor of the said house of correction at Wellclose-square), or his deputy, by which said last-mentioned warrant they the said justices required the said keeper to discharge out of his custody the body of the said Charles Bannister, if detained for no other cause than what was mentioned in his commitment, dated the seventeenth day of July 1787 (meaning the said warrant of commitment of the said C. B. so made by the said John Staples, esquire, so being such justice of the peace for the said liberty, and hereinbefore mentioned) he the said C. B. having, as therein alledged, found sureties before them the said R. B. and J. R. to appear at the general quarter sessions of the peace, to be holden for the said liberty on the tenth of September then next, to answer to such matters and things as might be objected against him the said C. B. and to appeal against the said conviction, by means whereof he the said C. B. was afterwards, and before the expiration of fourteen days from the date of the said warrant of commitment, to wit, on the seventeenth day of July 1787 aforesaid, at the liberty aforesaid, in the county aforesaid, discharged and set at large from the custody of the said governor, of, and from, and out of the said house of correction and Tower gaol, and did thereby then and there escape and go at large and unpunished for the said offence, in manifest breach and violation of their duties as such justices of the peace as aforesaid, to the great hindrance and mockery of the public justice of this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: And the said coroner and attorney of our said lord the present king, for our said lord the present king giveth the court here further to understand and be informed, that afterwards, that is to say, on the said seventeenth day of July, in the said year 1787, at and in the liberty of his majesty's said Tower of London, in the county aforesaid, the said John Staples, esquire, then and yet being one of his majesty's justices in and for the said liberty, did make his certain other warrant in writing under his hand and seal, bearing date the same day and year last aforesaid, directed to the governor of the house of correction at Wellclose-square, or to his deputy, whereby he the said governor, or his deputy, were commanded to receive into their custody the body of one Charles B. therewith sent to them, brought

2d Count. Another information.

brought before him the ſaid J. Staples, eſquire, one of his majeſty's juſtices of the peace in and for the ſaid liberty, by William Embly, a conſtable, and charged and convicted before him the ſaid juſtice, upon the oath of Thomas Wapſhott of being a rogue and vagabond within the intent and meaning of an act of parliament, made in the ſeventeenth year of the reign of his late majeſty king George the Second, entitled "An Act to amend "and make more effectual the Laws relating to Rogues and "Vagabonds, and other idle and diſorderly Perſons, and to "Houſes of Correction;" for that he the ſaid C. B. not being authorized by law, did on the ſixteenth day of July, in the year of Our Lord 1787, for hire and gain act and perform the part and character of Menelaüs in a certain entertainment of the ſtage called The Birth-Day; or, The Arcadian Conteſt, in a certain theatre called Royalty Theatre, ſituate in Well-ſtreet, in the pariſh of Saint Mary Matfellon, otherwiſe Whitechapel, in the ſaid liberty, contrary to the ſtatute, &c. and ſafely to keep him the ſaid C. B. in their cuſtody for the ſaid ſpace of fourteen days from the date of the ſaid laſt-mentioned warrant, which ſaid laſt-mentioned warrant afterwards, to wit, on the ſaid ſeventeenth day of July, in the year 1787 aforeſaid, at the liberty aforeſaid, in the county of Middleſex aforeſaid, was delivered to the ſaid governor of the houſe of correction, at Wellcloſe-ſquare aforeſaid, in due form of law to be executed, together with the ſaid Charles Banniſter, by virtue of which ſaid laſt-mentioned warrant he the ſaid governor kept and detained the ſaid C. B. in his cuſtody, in the ſaid houſe of correction, at Wellcloſe-ſquare aforeſaid, for the cauſe in the ſaid laſt-mentioned warrant above ſpecified, as by the ſaid laſt-mentioned warrant he was commanded: And the ſaid coroner and attorney of our ſaid preſent ſovereign lord the king, for our ſaid preſent ſovereign lord the king giveth the court here further to underſtand and be informed, that afterwards and within the ſaid ſpace of fourteen days from the date of the ſaid laſt-mentioned warrant, and whilſt the ſaid Charles Banniſter was ſo confined in the ſaid houſe of correction, and in the cuſtody of the ſaid governor thereof, and there ought to have remained and continued for the ſaid ſpace of time in the ſaid laſt-mentioned warrant for that purpoſe ſpecified, for the cauſe aforeſaid, under and by virtue of the ſaid laſt-mentioned warrant, to wit, on the ſaid ſeventeenth day of July, in the year aforeſaid, the ſaid Richard B. eſquire, and James R. (they the ſaid Richard B. and James R. then and ſtill being two of his majeſty's juſtices in and for the ſaid liberty) well knowing the ſaid premiſes, but deviſing, deſigning, contriving, and intending to pervert the due courſe and adminiſtration of law and juſtice, and to make the ſame ſubſervient to their own private lucre and gain, and to their own private wicked purpoſes and intentions, at the liberty aforeſaid, in the county aforeſaid, under colour and pretence of their authority as ſuch juſtices as aforeſaid, did, with force and arms, wilfully, unjuſtly,

unpunished, by then and there wilfully, wickedly, unlawfully, and corruptly making and issuing, and causing to be delivered to the said governor of the said house of correction, at Wellclose-square aforesaid, a certain warrant in writing, under the respective hands and seals of the said Richard B. and James R. (they the said Richard B. and James R. then being such two of his majesty's justices of the peace in and for the said liberty as aforesaid), bearing date the day and year last aforesaid, directed to the keeper of the Tower gaol, Wellclose-square (meaning thereby the said governor of the said house of correction at Wellclose-square), or his deputy, by which said last-mentioned warrant they the said justices required the said keeper to discharge out of his custody the body of the said Charles Bannister, if detained for no other cause than what was mentioned in his commitment, dated the seventeenth day of July 1787 (meaning the said warrant of commitment of the said C. B. so made by the said John Staples, esquire, so being such justice of the peace for the said liberty, and hereinbefore mentioned) he the said C. B. having, as therein alledged, found sureties before them the said R. B. and J. R. to appear at the general quarter sessions of the peace, to be holden for the said liberty on the tenth of September then next, to answer to such matters and things as might be objected against him the said C. B. and to appeal against the said conviction, by means whereof he the said C. B. was afterwards, and before the expiration of fourteen days from the date of the said warrant of commitment, to wit, on the seventeenth day of July 1787 aforesaid, at the liberty aforesaid, in the county aforesaid, discharged and set at large from the custody of the said governor, of, and from, and out of the said house of correction and Tower gaol, and did thereby then and there escape and go at large and unpunished for the said offence, in manifest breach and violation of their duties as such justices of the peace as aforesaid, to the great hindrance and mockery of the public justice of this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: And the said coroner and attorney of our said lord the present king, for our said lord the present king giveth the court here further to understand and be informed, that afterwards, that is to say, on the said seventeenth day of July, in the said year 1787, at and in the liberty of his majesty's said Tower of London, in the county aforesaid, the said John Staples, esquire, then and yet being one of his majesty's justices in and for the said liberty, did make his certain other warrant in writing under his hand and seal, bearing date the same day and year last aforesaid, directed to the governor of the house of correction at Wellclose-square, or to his deputy, whereby he the said governor, or his deputy, were commanded to receive into their custody the body of one Charles B. therewith sent to them, brought

2d Count. Another information.

brought before him the ſaid J. Staples, eſquire, one of his majeſty's juſtices of the peace in and for the ſaid liberty, by William Embly, a conſtable, and charged and convicted before him the ſaid juſtice, upon the oath of Thomas Wapſhott of being a rogue and vagabond within the intent and meaning of an act of parliament, made in the ſeventeenth year of the reign of his late majeſty king George the Second, entitled "An Act to amend "and make more effectual the Laws relating to Rogues and "Vagabonds, and other idle and diſorderly Perſons, and to "Houſes of Correction;" for that he the ſaid C. B. not being authorized by law, did on the ſixteenth day of July, in the year of Our Lord 1787, for hire and gain act and perform the part and character of Menelaüs in a certain entertainment of the ſtage called The Birth-Day; or, The Arcadian Conteſt, in a certain theatre called Royalty Theatre, ſituate in Well-ſtreet, in the pariſh of Saint Mary Matfellon, otherwiſe Whitechapel, in the ſaid liberty, contrary to the ſtatute, &c. and ſafely to keep him the ſaid C. B. in their cuſtody for the ſaid ſpace of fourteen days from the date of the ſaid laſt-mentioned warrant, which ſaid laſt-mentioned warrant afterwards, to wit, on the ſaid ſeventeenth day of July, in the year 1787 aforeſaid, at the liberty aforeſaid, in the county of Middleſex aforeſaid, was delivered to the ſaid governor of the houſe of correction, at Wellcloſe-ſquare aforeſaid, in due form of law to be executed, together with the ſaid Charles Banniſter, by virtue of which ſaid laſt-mentioned warrant he the ſaid governor kept and detained the ſaid C. B. in his cuſtody, in the ſaid houſe of correction, at Wellcloſe-ſquare aforeſaid, for the cauſe in the ſaid laſt-mentioned warrant above ſpecified, as by the ſaid laſt-mentioned warrant he was commanded: And the ſaid coroner and attorney of our ſaid preſent ſovereign lord the king, for our ſaid preſent ſovereign lord the king giveth the court here further to underſtand and be informed, that afterwards and within the ſaid ſpace of fourteen days from the date of the ſaid laſt-mentioned warrant, and whilſt the ſaid Charles Banniſter was ſo confined in the ſaid houſe of correction, and in the cuſtody of the ſaid governor thereof, and there ought to have remained and continued for the ſaid ſpace of time in the ſaid laſt-mentioned warrant for that purpoſe ſpecified, for the cauſe aforeſaid, under and by virtue of the ſaid laſt-mentioned warrant, to wit, on the ſaid ſeventeenth day of July, in the year aforeſaid, the ſaid Richard B. eſquire, and James R. (they the ſaid Richard B. and James R. then and ſtill being two of his majeſty's juſtices in and for the ſaid liberty) well knowing the ſaid premiſes, but deviſing, deſigning, contriving, and intending to pervert the due courſe and adminiſtration of law and juſtice, and to make the ſame ſubſervient to their own private lucre and gain, and to their own private wicked purpoſes and intentions, at the liberty aforeſaid, in the county aforeſaid, under colour and pretence of their authority as ſuch juſtices as aforeſaid, did, with force and arms, wilfully, unjuſtly,

justly, and corruptly order, cause, and procure the said Charles Bannister to be discharged and to escape and go at large from and out of the custody of the said governor of the said house of correction, and from and out of the said house of correction in which he the said Charles Bannister was so confined as aforesaid, for the cause aforesaid, and to go unpunished; by means whereof he the said C. Bannister was afterwards, and before the expiration of fourteen days from the date of the said last-mentioned warrant of commitment, to wit, on the said seventeenth day of July 1787, at the liberty aforesaid, in the county aforesaid, discharged and set at large from the said custody of the said governor of, from, and out of the said house of correction, and did thereby then and there escape and go at large and unpunished, in manifest breach and violation of their duties as such justices as aforesaid, to the great hindrance and mockery of the public justice of this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: And the said coroner and attorney of our said lord the present king, for our said lord the present king giveth the court here further to understand and be informed, that heretofore, to wit, on the said seventeenth day of July, in the said year 1787, the said John Staples, esquire, then and still being one of his majesty's justices of the peace in and for the said liberty, did within the said liberty, in the said county of Middlesex, make and issue his certain other warrant in writing, under his hand and seal, bearing date the day and year last aforesaid, directed to all constables, headboroughs, and other his majesty's officers of the peace for the said county of Middlesex and liberty of the Tower of London, and to John Hitchen, for that purpose especially appointed, by which said last-mentioned warrant they the said constables, headboroughs, and other officers, and the said John Hitchen, to whom the same was directed as aforesaid, were in his majesty's name commanded upon sight thereof to take and bring before him the said John Staples, one of his majesty's justices of the peace in and for the said county and liberty, the body of William Palmer, of whom they should have notice, to answer all such misdemeanors, matters, and things as on his majesty's behalf were upon oath objected, complained, and charged against him, before him the said J. S. and in particular by Richard Jacobs, of being a rogue and vagabond, for that he the said William Palmer did on the sixteenth day of July then instant, unlawfully, for hire and gain, act and perform the part and character of Apollo in a certain entertainment of the stage called Hobson's Choice; or, Thespis in Distress, in a certain theatre called Royalty Theatre, situate in Well-street, in the said liberty of the Tower, against the statute, &c. which said last-mentioned warrant, afterwards, to wit, on the said seventeenth day of July, in the year last aforesaid, at the liberty aforesaid, in the county of Middlesex aforesaid,

3d Count, for preventing the officer from taking C. B. before the magistrate.

ſaid, was delivered to the ſaid William Embly, then and there being ſuch conſtable as aforeſaid, to be executed in due form of law; by virtue of which ſaid laſt-mentioned warrant he the ſaid William Embly, to whom the ſaid laſt-mentioned warrant was ſo directed and delivered as aforeſaid, afterwards, to wit, on the day and year laſt aforeſaid, at and in the liberty aforeſaid, in the county aforeſaid (having poſſeſſion of the ſaid laſt-mentioned warrant) took and apprehended the ſaid William Palmer by his body, and was then and there about to take and convey, and would then and there have taken and conveyed him before the ſaid John Staples, eſquire (ſo being ſuch juſtice making and iſſuing the ſaid laſt-mentioned warrant as aforeſaid), according to the exigency of the ſaid laſt-mentioned warrant, and as it was lawful for him to do, for the cauſe aforeſaid; but the ſaid coroner and attorney of our ſaid preſent ſovereign lord the king, for our ſaid preſent ſovereign lord the king giveth the court here further to underſtand and be informed, that after the ſaid caption, and whilſt the ſaid William Palmer remained in the cuſtody of the ſaid William Embly, under and by virtue of the ſaid laſt-mentioned warrant, and upon the ſaid W. Embly was proceeding to take and convey him the ſaid W. P. before the ſaid John Staples, eſquire (ſo being ſuch juſtice making and iſſuing the ſaid laſt-mentioned warrant as aforeſaid), according to the exigency of the ſaid laſt-mentioned warrant, they the ſaid Richard B. and James R. (ſo then and there being two of his majeſty's juſtices of the peace in and for the ſaid liberty, but having no regard to the duty of their ſaid office, or for the laws and ſtatutes of this realm, but unjuſtly and corruptly deviſing, deſigning, contriving, and intending to pervert the due courſe of law and juſtice, and to make the ſame ſubſervient to their own private wicked purpoſes and intentions, and alſo to cauſe and procure the ſaid W. P. to be diſcharged and to go at large and unpuniſhed for the ſaid laſt-mentioned offence), then and there, that is to ſay, on the day and year laſt aforeſaid, at the liberty aforeſaid, in the county aforeſaid, with force and arms, unlawfully, unjuſtly, corruptly and violently, and without any reaſonable or probable cauſe whatſoever, did obſtruct, prevent, and hinder the ſaid W. E. from conveying and taking the ſaid W. P. before the ſaid John Staples, eſquire (ſo being ſuch juſtice, and making and iſſuing the ſaid laſt-mentioned warrant as aforeſaid), according to the exigency of the ſaid laſt-mentioned warrant, and on the contrary thereof did then and there, with force and arms, &c. unlawfully, unjuſtly, and corruptly, under colour and pretence of their authority as ſuch juſtices as aforeſaid, diſcharge and ſet at large, and cauſe and procure to be diſcharged and ſet at large the ſaid W. P. from the cuſtody of the ſaid W. E. (ſo being the perſon to whom the ſaid laſt-mentioned warrant was directed as aforeſaid) under and by virtue of the ſaid laſt-mentioned warrant, and from the ſaid warrant, before the ſaid William Palmer could be taken and conveyed before the ſaid John Staples, eſquire (ſo being ſuch

juſtice

justice as aforesaid, and so making and issuing such last-mentioned warrant), according to the exigency of the said last-mentioned warrant, by reason whereof he the said William Embly was then and there wholly hindered and prevented from executing the said last-mentioned warrant, as he was thereby commanded, and by reason whereof he the said W. P. did then and there escape and go at large and unpunished for the said last-mentioned offence, in manifest breach and violation of their duties as such justices of the peace as aforesaid, to the great hindrance of the public justice of this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and and dignity: Whereupon the said coroner and attorney of our said present sovereign lord the king, for our said sovereign lord the king prayeth the consideration of the court here in the premises, and that due process of law may be awarded against the said James R. and Richard B. in this behalf, to make them answer to our said present sovereign lord the king, touching and concerning the premises aforesaid.

G. WOOD.

ON STATUTES.

Trinity Term, 1788.

Information on 19. Geo. 3. c. 56. § 3 & 4. 1st Count for selling goods and effects within the weekly bills, by way of auction, to one B. B. without a licence.

THE KING *against* W. CLARK. } MIDDLESEX, to wit. Be it remembered that R. P. Arden, esquire, his majesty's attorney general, who prosecutes for his said majesty in this behalf, being present here in court the eleventh day of June in this same term, in his proper person doth on behalf of his said majesty give the court here to understand and be informed, that William Clarke, late of Whitechapel, in the county of Middlesex, after the fifth day of July 1779, and before the day of exhibiting this information, to wit, on the fourteenth day of December 1787, at a certain place within the weekly bills of mortality, to wit, at Westminster aforesaid, in the said county of Middlesex, did, in the capacity of an auctioneer, vend and sell certain goods and effects to one B. B. at a public sale by way of auction, at which divers persons then and there bid for the said goods and effects, and at which said sale the said B. B. was the best and highest bidder, without first taking out a licence to use and exercise the trade and business of an auctioneer, according to the directions and provisions of the statute in that case made and provided, contrary to the form of the said statute: whereby and by force of the said statute the said W. C. hath for his said

offence forfeited and loſt the ſum of one hundred pounds: And the ſaid attorney general, who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty give the court here to underſtand and be informed, that the ſaid W. C. after the ſaid fifth day of July 1779, and before the day of exhibiting this information, to wit, on the fourteenth day of December 1787, at a certain place within the weekly bills of mortality, to wit, at W. aforeſaid, in the ſaid county of Middleſex, did, in the capacity of an auctioneer, put up to public ſale and offer to vend and ſell certain other goods and effects, by way of auction, to divers perſons then and there aſſembled, without firſt taking out a licence to uſe and exerciſe the trade and buſineſs of an auctioneer, according to the directions and proviſions of the ſaid ſtatute in that caſe made and provided, contrary to the form of the ſaid ſtatute, whereby and by force of the ſaid ſtatute the ſaid W. C. hath for his ſaid laſt-mentioned offence forfeited the further ſum of one hundred pounds: Wherefore his ſaid majeſty's attorney general, on behalf of his ſaid majeſty, prayeth the conſideration of this court in the premiſes, and that the ſaid ſeveral ſums of money ſo forfeited by the ſaid W. C. in this behalf as aforeſaid, may be adjudged to his ſaid majeſty, and that the ſaid W. C. may appear here in court to anſwer concerning the offences aforeſaid, and concerning the ſaid ſeveral ſums of money.

2d Count for putting up and offering to ſale goods and effects by way of auction, without a licence.

(*a*) THAT defendants being retailers of beer and ale, after the firſt day of September 1663, and before the day of exhibiting this information, to wit, on the ninth day of March 1787, and whilſt they were ſuch retailers of beer and ale, to wit, at Weſtminſter aforeſaid, in the ſaid county, did make uſe of and keep a certain private and concealed ſtorehouſe for the laying of beer, ale, and worts in caſk, contrary to the form of the ſtatute in ſuch caſe made and provided; whereby, and by force of the ſtatutes in that caſe made and provided, the defendants have forfeited for their ſaid offence the ſum of fifty pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court to underſtand and be informed, that the ſaid defendants, ſo being ſuch retailers of beer and ale as aforeſaid, after the firſt day of September 1663, and before the day of exhibiting this information, to wit, on the ninth day of March 1787, and whilſt they were ſuch retailers of beer and ale, to wit, at Weſtminſter aforeſaid, in the ſaid county, did ſet up and make uſe of a certain tun for the brewing and making beer, ale, and worts, other than ſuch as was at the making of the ſtatute in that caſe made and provided, openly ſet up, erected, and made uſe of in their common and uſual brewhouſe, and then openly diſcovered and known, without firſt giving notice thereof at the next office of exciſe, or to the commiſſioners, farmers, or ſub-governors of exciſe, or one of them,

Information on 15. Cha. 2. c. 11. ſ. 1. againſt retailers for keeping a private and concealed ſtorehouſe, for the laying beer, ale, and worts in caſk.

1. W. & M. ſeſſ. 1. c. 24. ſ 11.

2d Count on ſame ſtatute for ſetting up a tun for brewing without giving notice to the exciſe officers.

(*a*) Theſe Informations by the attorney general have all a like beginning. See ante and poſt.

them, within the limits and jurisdiction of whose office they the said defendants did inhabit, contrary, &c. *per quod*, and by force of the said statute the said defendants have forfeited the sum of one hundred and fifty pounds for the said tun so set up and made use of without such notice given as aforesaid.

GEORGE WOOD.

Information before a justice of peace on the post-horse act (25. Geo. 3. c. 51. s. 18.) for issuing a ticket with a charge by the mile, and taking a greater price for the stage without accounting to the collector.

MIDDLESEX, to wit. Be it remembered that on the day of , in the year of Our Lord 1788, and in the twenty-eighth year of the reign of our sovereign lord George the Third, at the Public Office, in Bow-street, in the city and liberty of Westminster, in the county of Middlesex, W. Harrison comes before me, Sir Sampson Wright, knight, one of his majesty's justices of the peace for the said city and liberty (I the said justice residing near the place in which the offence hereafter mentioned was committed), and as well for our lord the king as for himself, the said W. H. now gives me the said justice to understand and be informed, that after the first day of August, which was in the year of Our Lord 1785, and within the space of six calendar months from the time of incurring the penalty hereafter mentioned, that is to say, on the twenty-fourth day of November, in the year of Our Lord 1787, George Boulton, late of Charing Cross, in the parish of Saint Martin in the Fields, in the said city of Westminster, in the county aforesaid, then being a person licensed to let to hire horses for the purpose of travelling post, by the mile, or from stage to stage, and to let to hire for a day or less period of time horses for drawing a coach or other carriage, and in travelling post or otherwise, pursuant to an act of parliament passed in the twenty-fifth year of the reign of our said lord the king, entitled, "*An Act for repealing the Duties on "Licences taken out by Persons letting Horses for the Purpose of "travelling Post, and on Horses let to hire for travelling Post and "by Time, and on Stage Coaches, and for granting other Duties in "Lieu thereof, and also additional Duties on Horses let to hire "for travelling Post and by Time,*" *did* at the parish aforesaid, in the city and liberty aforesaid, issue a certain Stamp-Office ticket to a certain person travelling post, that is to say, from ——— to Greenwich, in the county of Kent, in and by a certain carriage drawn by horses, that is to say, a certain post-chaise drawn by two horses used in travelling post, which said ticket had the number of miles expressed thereon, according to the distance of the stage, that is to say, six miles; and that the said George Boulton so being the person issuing the same, then and there, that is to say, on the day and year in that behalf above-mentioned, at the parish aforesaid, in the city and liberty aforesaid, did charge the said traveller a specific sum, that is to say, the sum of twelve shillings by the stage, and not at or after the usual or any certain rate per mile, and that he the said G. Boulton, so being such person issuing the said ticket as aforesaid, and being accountable in that case for one fourth part of the money so received by

 him,

him, as and for the duty by the ſaid act directed to be paid, did not in that caſe expreſs on the ſaid ticket the money charged to ſuch traveller, and did not in the weekly account kept by him, purſuant to the direction and requiſition of the ſaid act, account for one fourth part of the money ſo received, and did not pay the ſame to the collector or the collectors appointed by the ſaid act to receive and collect the ſaid duties, contrary to the form of the ſtatute in ſuch caſe made and provided, whereby and by force of the ſtatute in ſuch caſe made and provided the ſaid G. B. forfeited and became liable to pay for his ſaid offence the ſum of ten pounds: Wherefore this informant prays the conſideration of the ſaid juſtice in the premiſes, and that the ſaid G. B. may be convicted of the ſaid offence, and that one moiety of the ſaid forfeiture may be adjudged to our ſaid lord the king, and the other moiety thereof to the ſaid informant, according to the form of the ſtatute in ſuch caſe made and provided; and that the ſaid G. Boulton may be ſummoned to appear before me, and anſwer the premiſes, and make his defence thereto.

An information on the 26th Geo. 3. c 49. ſ. 11 & 15. for ſelling packets without a proper ſtamp, and for buying to be uſed a ſecond time a ſtamp that had been uſed before.

LONDON, to wit. Be it remembered that on the thirteenth day of February, in the year of Our Lord 1787, Thomas Wigley, of the Stamp-Office, gentleman, comes before me Nathaniel Newnham, one of his majeſty's juſtices of the peace for the ſaid city (I the ſaid juſtice *reſiding near to the place* where the offence hereafter mentioned was committed), as well for our lord the king as for himſelf giveth me the ſaid juſtice to underſtand and be informed, that James Speight, late of Cheapſide, in the pariſh of Saint Mary-le-bone, in the ſaid city, after the fifth day of July 1786, to wit, on the tenth day of January, in the year of Our Lord 1787 (*a*), did *vend to one Mrs. Flight, in a certain ſhop ſituate and being in Cheapſide aforeſaid, in the ſaid city, a certain packet of pomatum, containing a certain quantity, to wit, three penny worth, at and for a certain price not exceeding eight pence, to wit, at and for the price of three pence, and ſubject to the duty of one penny, by a* certain act of parliament, made in the parliament of our ſaid lord the preſent king, at a ſeſſion thereof holden at Weſtminſter in the twenty-ſixth year of his reign, entitled, "An Act for granting to his Ma-"jeſty certain Stamp Duties on Perfumery, Hair Powder, and "other Articles therein-mentioned, and on Licences to be taken "out by Perſons uttering or vending the ſame;" *(of which ſaid ſhop notice in writing, as in the ſaid act is directed, had been be-*

Vide ſect. 29.

Vide ſect. 17.

(*a*) The ſtatute makes it neceſſary that the information ſhould be brought *within ſix calendar months after the offence committed*; but this need not be ſtated in the body of the information, it being ſufficient if it appears from the dates to be within the time limited.

fore the time of the said sale, and after the said fifth day of July 1786 *sent by the said James Speight to the commissioners for the time being for managing the duties on stamped vellum, parchment, and paper, that the same shop was the usual shop* (a) *where he should utter, vend, and expose to sale the wares and articles liable to the duties by the said act imposed) no cover, wrapper, or label by the said act directed to be pasted, stuck, fastened, or affixed to the same, being previous to such sale well and sufficiently pasted, stuck, fastened, or affixed thereto in such manner as the commissioners appointed to manage the duties arising by stamps on vellum, parchment, and paper had directed, or in any manner whatsoever, or marked, or stamped, or printed, or impressed with any mark or device, or any particular word or words to denote the said duty of one penny, and the rate thereof, as by the said act is directed,* contrary to the form of the statute in such case made and provided, whereby and by force of the same statute, the said James Speight hath for his said offence forfeited the sum of five pounds; wherefore the said informant prays the consideration of me the said justice in the premises, and that the said James Speight may be convicted of the said offence, and that one moiety of the said forfeiture may be adjudged to our said lord the king, and the other moiety thereof to the said informant, according to the form of the statute in such case made and provided, and that the said James Speight may be summoned to appear before me and answer the premises, and make his defence thereto.

Vide sect. 11.

Vide sect. 10.

Vide sect. 11.

(a) Not necessary in an information to set out negatively the qualifications of defendant, when contained in the *proviso* of a statute. ; Stra. 555. 1101), but otherwise when contained in the purview (or enacting clauses) of the statute. 1. Burr. 148.

Trinity Term, 28. Geo. III.

Information in the exchequer on the relation of the attorney general against defendant for smuggling tea without having paid the duty.

MIDDLESEX. Be it remembered that Richard Pepper Arden, esquire, his majesty's attorney general, who prosecuteth for his said majesty, being present here in court the eleventh day of June, in this term, in his proper person doth on the behalf of his said majesty give the court here to understand and be informed, that certain merchants, whose names are as yet to the said attorney general unknown, did, between the first day of July, in the year of Our Lord 1785, and the day of exhibiting this information, import or cause to be imported, from parts beyond the seas, into Great Britain, to wit, to Ratcliff, in the county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels, to the said attorney general likewise unknown, by way of merchandize, three hundred and ninety pounds weight of tea, of the value of one hundred and ninety-five pounds of lawful money of Great Britain, of their

own proper goods and merchandizes, the ſaid goods being at the time of the importation thereof liable to the payment of cuſtoms and other duties to his ſaid majeſty, and that the ſaid merchants unknown did afterwards, within the time aforeſaid, at Ratcliff aforeſaid, in the ſaid county of Middleſex, within the port of London aforeſaid, unſhip to be laid on land the ſaid goods and merchandizes, and every part thereof, out of the ſaid ſhip or veſſel, or ſhips or veſſels before the cuſtoms and other duties due to his ſaid majeſty for the ſame goods were firſt paid or ſecured, contrary to the form of the ſtatute in that behalf made and provided, by reaſon whereof the ſaid goods became and are forfeited, and being ſo forfeited, one John Draper, at the time of the unſhipping of the ſaid goods and merchandizes was aſſiſting or otherwiſe concerned in unſhipping thereof out of the ſaid ſhip or veſſel, or ſhips or veſſels, to wit, at Ratcliff aforeſaid, in the county aforeſaid, he the ſaid John Draper at the time of the unſhipping of the ſaid goods and merchandizes well knowing that the ſaid goods and merchandizes and every part thereof were imported into Great Britain, and unſhipped out of the ſaid ſhip or veſſel, or certain ſhips or veſſels, with an intent to be laid on land, the cuſtoms and the duties due to his ſaid majeſty for the ſame goods not being firſt paid or ſecured, contrary to the form of the ſtatute in that caſe made and provided, whereby the ſaid John Draper hath forfeited the ſum of five hundred and eighty five pounds, the treble value of the ſaid goods; and the ſaid attorney general, who proſecuteth as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that certain merchants, whoſe names are as yet to the ſaid attorney general unknown, did between the firſt day of July, in the year of Our Lord 1785, and the day of exhibiting of this information, import or cauſe to be imported from parts beyond the ſeas, into Great Britain, to wit, to Ratcliff, in the county of Middleſex, within the port of London, in a certain ſhip or veſſel, or certain ſhips or veſſels to the ſaid attorney general likewiſe unknown, by way of merchandiſe, three hundred and ninety pounds weight of other tea, of the value of one hundred and ninety-five pounds of lawful money of their own proper goods and merchandizes, the ſaid goods being at the time of the importation thereof liable to the payment of cuſtoms and other duties to his ſaid majeſty; and that the ſaid merchants unknown did afterwards, to wit, within the time aforeſaid, at R. aforeſaid, in the ſaid county of M. within the port of London aforeſaid, unſhip, to be laid on land, the ſaid goods and merchandizes and every part thereof, out of the ſaid ſhip or veſſel, or ſhips or veſſels, before the cuſtoms and other duties due to his ſaid majeſty for the ſame goods were firſt paid or ſecured, contrary to the form of the ſtatute in that caſe made and provided, by reaſon whereof the ſaid goods became and are forfeited, and being ſo forfeited the ſame goods and every

part thereof afterwards, to wit, within the time aforesaid, at Ratcliff, in the said county of Middlesex, within the port of L. aforesaid, come to the hands and possession of the said John Draper, he the said J. Draper at the time when the said goods and merchandizes so came to his possession well knowing that the said goods and merchandizes, and every part thereof, were imported into Great Britain, and unshipped to be laid on land as aforesaid, the customs and duties due to his said majesty for the same goods not being first paid or secured, contrary to the form of the statute in that case made and provided, whereby the said John Draper hath forfeited other five hundred and eighty-five pounds, the treble value of the said goods: And the said attorney general, who prosecuteth as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that certain merchants, whose names are as yet to the said attorney general unknown, did, between the first day of July, in the year of Our Lord 1785, and the day of exhibiting of this information, import or cause to be imported from parts beyond the seas into Great Britain, to wit, to Ratcliff, in the county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels to the said attorney general likewise unknown, by way of merchandize, three hundred and ninety pounds weight of tea, of the value of one hundred and ninety-five pounds, the said goods being at the time of the importation thereof liable to the payment of customs and other duties to his said majesty; and that the said merchants unknown did afterwards, to wit, within the time aforesaid, at Ratcliff aforesaid, in the said county of Middlesex, within the port of London, unship, to be laid on land, the said goods and merchandizes, and every part thereof, and did run on land within Great Britain the said tea, before the duties of customs of excise due to his said majesty for the same were first paid or secured, contrary to the form of the statute in that behalf made and provided; by reason whereof the said goods became and are forfeited, and being so forfeited, the said John Draper afterwards, to wit, within the times aforesaid, at Ratcliff aforesaid, in the said county of Middlesex, within the port of London aforesaid, did knowingly harbour, keep, and conceal, and did knowingly, permit and suffer to be harboured, kept, and concealed the said goods, and every part thereof, he the said J. D. at the time when he so harboured, kept, and concealed, and so permitted and suffered to be harboured, kept, and concealed the said goods, well knowing that the said goods and every part thereof were run goods, contrary to the form of the statute in that case made and provided, whereby and by virtue of the said statute the said John Draper hath forfeited other five hundred and eighty-five pounds, the treble value of the said goods: Wherefore his said majesty's attorney general, on the behalf of his said majesty prayeth the consideration of his court in the premises, and that the

the ſaid ſeveral ſums of money ſo forfeited by the ſaid John Draper may be adjudged to his ſaid majeſty, and that the ſaid John Draper may appear here in court to anſwer concerning the offences aforeſaid, and concerning the ſaid ſeveral ſums of money. R. P. ARDEN.

EXCISE.

Trinity Term, 30. & 31. Geo. II.

Information of the attorney general againſt ſeveral perſons for obſtructing an exciſe officer in the diſcharge of his duty.

CORNWALL. Be it remembered that Charles Pratt, eſquire, attorney general of our preſent ſovereign lord the king, who for our ſaid preſent ſovereign lord the king in this behalf proſecuteth, in his proper perſon cometh here into the court of our ſaid preſent ſovereign lord the king, before the king himſelf, at Weſtminſter, on Wedneſday next after three weeks from the day of the Holy Trinity, in this ſame term, and for our ſaid preſent ſovereign lord the king giveth the court here to underſtand and be informed, that Walter Waters, late of the pariſh of Saint Agnes, in the county of Cornwall, taylor, William Daniel, late of the ſame place, tinner, Walter Staple, late of the ſame place, tinner, William Paul, late of the ſame place, taylor, Mark James, late of the ſame place, tinner, and William Benallack, late of the ſame place, tinner, being perſons of wicked minds, and of unruly and turbulent tempers and diſpoſitions, upon the twenty-fifth day of June, in the thirty-firſt year of the reign of our ſaid preſent ſovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. with force and arms, at the pariſh of Saint Agnes aforeſaid, in the county of Cornwall aforeſaid, in and upon Barnard Widger, being then and there one of the officers of exciſe of our ſaid preſent ſovereign lord the king, duly conſtituted and appointed, and being then and there in the due execution of his ſaid office, and being alſo then and there in the peace of God and of our ſaid preſent ſovereign lord the king, did unlawfully and violently make an aſſault and affray, and him the ſaid plaintiff they the ſaid defendants did then and there, with force and arms, unlawfully and violently beat, wound, and treat ſo ill that his life was greatly deſpaired of; and alſo that they the ſaid defendants did then and there ſeize upon and by force and violence take from him the ſaid plaintiff two rules or inſtruments uſed in gauging, and with the ſaid two rules or inſtruments they the ſaid defendants did then and there, with force and arms, give to the ſaid plaintiff ſeveral grievous and dangerous blows and ſtrokes, by reaſon and means of which ſaid

blows and ſtrokes the head of him the ſaid plaintiff was then and there greatly bruiſed and hurt, and the ſaid rules were thereby then and there broke in pieces, ſpoiled, and rendered entirely uſeleſs; and alſo that they the ſaid defendants him the ſaid plaintiff did then and there, with great force and violence, caſt and throw down to the ground, and him the ſaid plaintiff being ſo thrown down to the ground as aforeſaid, they the ſaid defendants did then and there, in a moſt barbarous, cruel, and inhuman manner kick and beat him the ſaid plaintiff in and upon the legs, head, breaſt, and divers other parts of the body of him the ſaid plaintiff, by the force and violence of which ſaid kicking and beating the legs, head, face, breaſts, ſides, and other parts of the body of him the ſaid plaintiff were then and there greatly bruiſed and hurt, and were thereby made very bloody, and afterwards thereby became black, blue, and of a livid colour, and alſo by reaſon and means of the kicking and beating aforeſaid, he the ſaid plaintiff was then and there deprived of his ſenſes, and for a long time afterwards, to wit, for the ſpace of two hours then next following and upwards, he the ſaid plaintiff remained and continued entirely ſenſeleſs, and the next morning he voided and brought up a large quantity of blood at the mouth of him the ſaid plaintiff, occaſioned by the kicking and beating aforeſaid, and alſo that he the ſaid plaintiff for a long time afterwards, to wit, for the ſpace of ten days then next following and upwards, was rendered entirely incapable of tranſacting his buſineſs, or performing the duty of his ſaid office; and alſo that they the ſaid defendants him the ſaid plaintiff being then ſuch officer as aforeſaid, and being alſo then and there in the due execution of his ſaid office as aforeſaid, did then and there, with force and arms, unlawfully and violently hinder, obſtruct, reſiſt, oppoſe, moleſt, and abuſe, and other miſchiefs upon him the ſaid plaintiff they the ſaid defendants did then and there, with force and arms, unlawfully and violently bring, to the great damage of him the ſaid plaintiff, in contempt of our ſaid preſent ſovereign lord the king and his laws, in diminution of the revenue of the exciſe of our ſaid preſent ſovereign lord the king, to the evil and pernicious example of all others in the like caſe offending, and alſo againſt the peace of our ſaid preſent ſovereign lord the king, his crown and dignity: And the ſaid attorney general of our ſaid preſent ſovereign lord the king, for our ſaid preſent ſovereign lord the king giveth the court here to underſtand and be informed, that they the ſaid defendants afterwards, that is to ſay, upon the ſaid twenty-fifth day of June, in the ſaid thirty-firſt year of the reign of our ſaid preſent ſovereign lord the king, with force and arms, at the pariſh of Saint Agnes aforeſaid, in the county of Cornwall aforeſaid, in and upon him the ſaid plaintiff, being then and there one of the officers of the exciſe of our ſaid preſent ſovereign lord the king, duly conſtituted and appointed as aforeſaid, and being then and there

there in the peace of God and our ſaid preſent ſovereign lord the king, and being alſo then and there in the due execution of his ſaid office, did unlawfully and violently make an aſſault and affray, and him the ſaid plaintiff they the ſaid defendants did then and there, with force and arms, unlawfully and violently beat, wound, and treat ſo ill that his life was greatly deſpaired of, and alſo him the ſaid plaintiff, being then and there in the due execution of his ſaid office as laſt aforeſaid, they the ſaid defendants did then and there, with force and arms, unlawfully and violently hinder, obſtruct, reſiſt, oppoſe, moleſt, and abuſe, and other miſchiefs upon him the ſaid plaintiff they the ſaid defendants did then and there, with force and arms, unlawfully and violently bring, to the great damage of him the ſaid plaintiff, in contempt of our ſaid preſent ſovereign lord the king, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid preſent ſovereign lord the king, his crown and dignity: And the ſaid attorney general of our ſaid preſent ſovereign lord the king, for our ſaid preſent, ſovereign lord the king giveth the court here further to underſtand and be informed, that they the ſaid defendants afterwards, that is to ſay, upon the ſaid twenty-fifth day of June, in the ſaid thirty firſt year of the reign of our ſaid preſent ſovereign lord the king, with force and arms, at the pariſh of Saint Agnes aforeſaid, in the county of Cornwall aforeſaid, in and upon him the ſaid plaintiff, being then and there *one of the officers of the exciſe of our ſaid preſent ſovereign lord the king, duly conſtituted and appointed as aforeſaid, and being then and there* in the peace of God and of our ſaid preſent ſovereign lord the king, *and being alſo then and there in the due execution of his ſaid office*, did unlawfully and violently make an aſſault and affray, and him the ſaid plaintiff they the ſaid defendants did then and there, with force and arms, unlawfully and violently beat, wound, and treat ſo ill that his life was greatly deſpaired of, and other miſchiefs upon him the ſaid plaintiff they the ſaid defendants did then and there, with force and arms, unlawfully and violently bring, to the great damage of the ſaid plaintiff, in contempt of our ſaid preſent ſovereign lord the king and his laws, to the evil and pernicious example of all others in the like caſe offending, and alſo againſt the peace of our ſaid preſent ſovereign lord the king, his crown and dignity: (4th Count, for a common aſſault only, being like the 3d Count in every reſpect, except the words in Italics are omitted:) Whereupon the ſaid attorney general of our ſaid preſent ſovereign lord the king, for our ſaid preſent ſovereign lord the king prayeth the conſideration of the court here in the premiſes, and that due proceſs of law may be awarded againſt them the ſaid defendants in this behalf to make them anſwer to our ſaid preſent ſovereign lord the king, touching and concerning the premiſes aforeſaid.

Against a common brewer for having a pipe under ground, by which beer, ale, and worts might be conveyed from one tun to another.

(a) THAT one Richard Hare, before and at the time of committing of the offences hereinafter mentioned, was a common brewer, to wit, at Limehouse, in the said county of Middlesex, and being such common brewer, he the said Richard Hare, after the twenty-eighth day of April 1697, and before the day of exhibiting this information, to wit, on the fourth day of February, in the year of Our Lord 1786, at Limehouse aforesaid, in the said county, had and kept a certain pipe under ground, in and about a certain brewhouse of the said Richard Hare, by which beer, ale, and worts might be conveyed from one tun to another, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute the said Richard Hare hath for his said offence forfeited the sum of one hundred pounds: And the said attorney general who prosecutes aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Richard Hare, so being such common brewer as aforesaid, after the said twenty-eighth day of April 1697, and before the day of exhibiting this information, to wit, on the said fourth day of February, in the said year of Our Lord 1786, at Limehouse aforesaid, in the said county, had and kept a certain private pipe in and about a certain brewhouse of the said Richard Hare there, by which beer, ale, and worts might be conveyed from one tun to another, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute the said Richard Hare hath for his said last-mentioned offence forfeited the sum of one hundred pounds. (3d, for having a pipe under ground for conveying liquors from one vessel to another; 4th same, for conveying from one brewing vessel to another; 5th, for having a pipe under ground for conveying liquors from a tun in defendant's brewhouse into a certain place, to wit, a certain cellar of him the said defendant, near to his said brewhouse; 6th same, but for a "private pipe;" 7th and 8th same as 5th and 6th, but for conveying from a "brewing vessel.") And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Richard Hare, so being such common brewer as aforesaid, between the first day of January 1784 and the day of exhibiting this information, to wit, on the first day of February, in the year of Our Lord 1786, at Limehouse aforesaid, in the said county, did mix, and cause and suffer to be mixed, in a certain vessel there, a large quantity, to wit, five hundred barrels of strong beer with a certain quantity, to wit, five hundred barrels of small beer, after the gauge of such strong beer had been taken by an officer of excise, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said Richard Hare hath for his said last-mentioned offence forfeited and lost the further sum of fifty pounds: And the said attorney general, who prosecutes as afore-

8. & 9. Will. 3. c. 19. s. 4.

2d Count, for having a private pipe by which, &c.

8. & 9. Will. 3. c. 19. s. 4.

9th Count, for mixing strong beer with small, after the gauge of the strong taken.

2. G. 3. c. 14. s. 2.

10th Count, for receiving into his custody more than ten pounds of molasses.

(a) For the beginning of all these kind of Informations, see ante.

said

ſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Richard Hare, ſo being ſuch common brewer as aforeſaid, after the tenth day of May 1699, and before the exhibiting of this information, to wit, on the firſt day of February 1786, at Limehouſe aforeſaid, in the ſaid county, did receive and take into his cuſtody and poſſeſſion a large quantity of molaſſes (exceeding ten pounds), to wit, five hundred pounds weight of molaſſes, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid Richard Hare hath forfeited and loſt the further ſum of one hundred pounds: And the ſaid attorney general, who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Richard Hare being ſuch common brewer as aforeſaid, after the eleventh day of May 1699, and before the exhibiting this information, to wit, on the firſt day of February 1786, at Limehouſe aforeſaid, in the ſaid county, did make uſe of a large quantity, to wit, one hundred pounds weight of molaſſes in the making and working a large quantity, to wit, one thouſand barrels of beer, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute, the ſaid Richard Hare hath forfeited and loſt for his ſaid laſt-mentioned offence the further ſum of one hundred pounds: And the ſaid attorney general, who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Richard Hare being ſuch common brewer as aforeſaid, between the firſt day of January 1784, and the day of exhibiting this information, to wit, on the firſt day of February 1786, at Limehouſe aforeſaid, in the ſaid county, did make uſe of a certain liquor and ſyrup called *eſſentia bina*, to wit, one hundred pounds weight of *eſſentia bina*, in the brewing and making of a large quantity, to wit, one thouſand barrels of beer, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid Richard Hare hath for his ſaid laſt-mentioned offence forfeited and loſt the further ſum of twenty pounds: And the ſaid attorney general, who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Richard Hare, between the firſt day of January 1784, and the day of exhibiting this information, was a common brewer, to wit, at Limehouſe aforeſaid, in the ſaid county, and being ſuch common brewer, he the ſaid Richard Hare did brew divers large quantities of beer, to wit, one thouſand barrels of ſtrong beer, which by ſeveral ſtatutes in ſuch caſe made and provided reſpectively were and are chargeable and charged with ſeveral and reſpective rates and duties due and payable to his ſaid majeſty for and in reſpect of ſuch beer ſo made, amounting in the whole to the ſum of four hundred pounds of lawful money of Great Britain, and that the ſaid Richard Hare at any time or times,

10. & 11. Will. 3. c. 21. ſ. 34.

11th Count, for uſing molaſſes in making and working beer.

10. & 11. Will. 3. c. 21. ſ. 34.

12th Count, for uſing *eſſentia bina* in the brewing and making beer.

12. Ann. ſtat. 2. c. 2. ſ. 32.

13th Count, for double duties on beer incurred by not paying the ſingle in time.

times within one week after, he, according to the form of the ſtatute in ſuch caſe made and provided, ought to have made an entry or entries of the ſaid beer, the ſaid rates and duties ſo by and from him the ſaid Richard Hare due as aforeſaid, or any part thereof, to his ſaid Majeſty, or for his uſe, hath not paid or cauſed to be paid, as by the ſtatutes in ſuch caſe made and provided he ought to have paid; but the ſaid rates and duties, and every part thereof to our ſaid ſovereign lord the king, or to or for his uſe, to pay hath wholly omitted and neglected, contrary to the form of the ſtatutes in ſuch caſe made and provided, whereby the ſaid Richard Hare hath forfeited double the value of the ſaid rates and duties ſo neglected to be paid as aforeſaid, amounting to eight hundred pounds.

12. Car. 2. c. 24. § 31.

GEO. WOOD.

Againſt common brewers, who had brewed a guile of beer, and declared the length, for making an increaſe of the beer, over and above the quantity declared.

THAT Thomas Young and Noah Young, being common brewers of beer and ale, after the tenth day of April 1697, and before the day of exhibiting this information, to wit, on the thirtieth day of Auguſt, in the year of Our Lord 1787, and whilſt they were ſuch common brewers of beer and ale as aforeſaid, to wit, at Weſtminſter, in the county of Middleſex, did brew and make a guile of ſtrong beer, and did then and there, according to the form of the ſtatute in ſuch caſe made and provided, declare to John Wreford, gauger of exciſe, duly appointed to gauge and take an account of the ſame guile, and that after the ſaid declaration ſo made as aforeſaid, that is to ſay, on the thirty-firſt day of Auguſt, in the ſaid year of Our Lord 1787, at Weſtminſter aforeſaid, in the ſaid county, the ſaid Thomas Young and Noah Young, and their ſervants, did make an increaſe of the ſtrong beer ſo declared as aforeſaid, over and above the quantity ſo declared as aforeſaid, that is to ſay, did then and there make an increaſe of four barrels of ſtrong beer, over and above the quantity ſo declared as aforeſaid, contrary to the form of ſtatute in ſuch caſe made and provided, whereby the ſaid Thomas Young and Noah Young have for their ſaid offence forfeited the ſum of five pounds per barrrel, ſo increaſed as aforeſaid, amounting in the whole to the ſum of twenty pounds: And the ſaid attorney general, who proſecutes aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Thomas Young and Noah Young, being ſuch common brewers of beer and ale as aforeſaid, after the ſaid tenth day of April 1697, and before the day of exhibiting this information, to wit, on the ſaid thirtieth day of Auguſt, in the ſaid year of Our Lord 1787, to wit, at Weſtminſter aforeſaid, in the ſaid county, did brew and make another guile of beer, and did then and there (according to the form of the ſtatute in ſuch caſe made and provided), declare to the ſaid John Wreford, a gauger of exciſe, duly appointed to gauge and take an account of the ſaid laſt-mentioned guile, how much ſtrong beer they intended

8 & 9. Will. 3. c. 19. ſ. 2.

2d Count, having brewed a guile and declared the length, for laying off ſtrong beer over and above the quantity declared.

tended to make of that guile, and that after the said declaration so made as last aforesaid, that is to say, on the said thirty-first day of August, in the said year of Our Lord 1787, to wit, at Westminster aforesaid, in the said county, the said John Wreford, so being such gauger as aforesaid, did find a certain quantity of strong beer of the said last-mentioned guile laid off, over and above the quantity so declared as last aforesaid, contrary to the form of the statute in that case made and provided, whereby the said Thomas Young and Noah Young have for their said last-mentioned offence forfeited the sum of five pounds for each barrel so laid off as aforesaid, amounting in the whole to the sum of twenty pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Thomas Young and Noah Young being such common brewers of beer and ale as aforesaid, after the said tenth day of April 1697, and before the day of the exhibiting this information, to wit, on the said thirtieth day of August, in the said year of Our Lord 1787, to wit, at Westminster aforesaid, in the said county, did brew and make another guile of strong beer, consisting of divers, to wit, fifty barrels of strong beer, and did cleanse and remove out of their tuns, and other vessels and utensils containing the said last-mentioned guile, a certain quantity of the same guile, to wit, four barrels of the same guile, before they the said Thomas Young and Noah Young, or either of them, had declared to the gauger or gaugers appointed to gauge and take an account of the same how much strong beer they intended to make of such guile, and refused to make such declaration before they cleansed the said four barrels as aforesaid, contrary to the form of the statutes in that case made and provided; whereby the said Thomas Young and Noah Young have forfeited the sum of twenty shillings for every barrel of strong beer contained in the said guile last mentioned, amounting in the whole to other fifty pounds.

8. & 9. Will. 3. c. 19. s. 2.

3d Count, for removing part of a guile of strong beer before length declared.

5. G. 3. c. 43. s. 26.

GEO. WOOD.

THAT one Thomas Young and defendant at the time of committing the offences hereinafter mentioned were common brewers of beer and ale, and persons liable to the payment of certain duties of excise imposed on such beer and ale under the management of the commissioners of excise, to wit, at Westminster, in the said county of Middlesex, and being such common brewers of beer and ale, and being so liable to the payment of such duties of excise imposed on such beer and ale after the tenth day of April 1697, and before the day of exhibiting this information,

Defendant and another, common brewers, who had made a guile of strong beer, and declared length. Two officers had found a quantity laid off, above the declaration, whereby a penalty was incurred, and it was the duty of the officers to acquaint the commissioners of excise therewith, to the end that legal prosecution might be commenced for the same; but defendant, in order to persuade the officers not to acquaint the commissioners therewith, offered them a bribe.

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mation, to wit, on the thirtieth day of August, in the year of Our Lord 1787, at Westminster aforesaid, in the said county, did brew and make a guile of strong beer, and did then and there (according to the form of the statute in such case made and provided) declare to John Wreford, the gauger of excise duly appointed to gauge and take an account of the same guile, how much strong beer they intended to make of that guile, and that after the said declaration so made as aforesaid, that is to say, on the thirty-first day of August, in the said year of Our Lord 1787, at Westminster, in the county of Middlesex, the said John Wreford and one Robert Huddleston, they the said John Wreford and Robert Huddleston then and there being gaugers of excise, and officers of and for the duties due and payable for and in respect of such beer, did find a certain quantity of strong beer, to wit, four barrels of strong beer of the said guile, laid off over and above the quantity so declared, contrary to the statute in that case made and provided, whereby and by force of the said statute the said Thomas Young and defendant had for their said offence forfeited the sum of five pounds for each barrel so laid off as aforesaid, amounting in the whole to the sum of twenty pounds; and thereupon it was then and there the business and duty of the said John Wreford and Robert Huddleston, as such officers as aforesaid, to acquaint the commissioners of excise with the said offence, to the end that legal prosecutions might be commenced for the same; yet the said defendant, well knowing the premises, but being a person of a wicked and corrupt mind, and having no regard for the laws and statutes of this realm, not fearing the penalties therein contained, but unlawfully, wickedly, and corruptly devising, contriving, and intending to defraud our said lord the king of his duties of excise in beer and ale, after the twenty-fourth day of June 1725, and before the day of exhibiting this information, to wit, on the thirty-first day of August, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, in order to corrupt, persuade, and prevail upon the said John Wreford and Robert Huddleston, so being such officers as aforesaid, to neglect and omit to acquaint the commissioners of excise with the said offence, did offer to give to the said John Wreford and Robert Huddleston, so being such officers as aforesaid, a certain bribe, gratuity, and reward, to wit, the sum of five or ten guineas (*a*) to each of them the said John Wreford and Robert Huddleston, so being such officers as aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said defendant hath for his said offence forfeited and lost the sum of five hundred pounds: And

8. & 9. Will. 3. c. 19. s. 2.

11. G. 1. c. 30. s. 40.

(*a*) The chief baron thought this allegation too indefinite: he said the offence should be stated five guineas in one Count, and ten guineas in another.

J. G.

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the ſaid attorney general, who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Thomas Young and defendant, ſo being ſuch common brewers of beer and ale, &c. (ſet out the declaration as in the 1ſt Count), whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid Thomas Young and defendant had for their ſaid laſt-mentioned offence forfeited the ſum of five pounds for each barrel ſo laid off as laſt aforeſaid, amounting to the ſum of twenty pounds; yet the ſaid defendant, well knowing the premiſes laſt aforeſaid, but being a perſon of wicked and corrupt mind, and having no regard for the laws and ſtatutes of this realm, nor fearing the penalties and forfeitures therein contained, but unlawfully, wickedly, and corruptly deviſing, contriving, and intending to defraud our ſaid lord the king of his duties of exciſe on beer and ale, afterwards, to wit, on the ſaid thirty-firſt day of Auguſt, in the ſaid year of Our Lord 1787, at Weſtminſter aforeſaid, in the ſaid county, in order to corrupt, perſuade, and prevail upon the ſaid John Wreford and Robert Huddleſton, ſo being ſuch officers as aforeſaid, to connive at and conceal the ſaid fraud committed by the ſaid Thomas Young and defendant, in laying off the ſaid four barrels of ſtrong beer of the ſaid laſt-mentioned guile, over and above the ſaid quantity ſo declared as laſt aforeſaid, did offer to give to the ſaid John Wreford and Robert Huddleſton, ſo being ſuch officers as aforeſaid, a certain other bribe, gratuity, and reward, to wit, the ſum of five or ten guineas to each of them the ſaid John Wreford and Robert Huddleſton, ſo being ſuch officers as aforeſaid, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid defendant hath for his ſaid laſt-mentioned offence forfeited and loſt the further ſum of five hundred pounds: And the ſaid attorney general, who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Thomas Young and defendant, &c. (as in the 2d Count); yet the ſaid defendant, well knowing the premiſes laſt aforeſaid, but being a perſon of a wicked mind, and having no regard for the laws and ſtatutes of this realm, nor for the penalties and for the forfeitures therein contained, but unlawfully, wickedly, and corruptly deviſing, contriving, and intending to defraud our ſaid lord the king of his duties of exciſe on beer and ale, afterwards, to wit, on the ſaid thirty-firſt day of Auguſt, in the ſaid year of Our Lord 1787, at Weſtminſter aforeſaid, in the ſaid county, in order to corrupt, perſuade, and prevail upon the ſaid John Wreford and Robert Huddleſton, ſo being ſuch officers as aforeſaid, not to diſcover the ſaid fraud ſo committed by the ſaid Thomas Young and defendant in laying off the ſaid four barrels of ſtrong beer of the ſaid laſt-mentioned guile, over and above the quantity ſo declared as laſt aforeſaid by the ſaid Thomas Young and defendant as aforeſaid, did offer to give to the ſaid John Wreford and

2d Count, for offering to bribe an officer to connive at defendant and another having laid off a quantity of ſtrong beer over and above the declaration.

11. G. 1. c. 30. ſ. 40.

3d Count, for offering a bribe to officers not to diſcover a fraud committed by defendant and another.

and Robert Huddleston, so being such officers as aforesaid, contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute the said defendant hath for his said last-mentioned offence forfeited and lost the further sum of five hundred pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Thomas Young and defendant, so being such common brewers of beer and ale, and persons liable to the payment of certain duties of excise imposed on such beer and ale, he the said defendant being a person of a wicked and corrupt mind, and having no regard to the laws and statutes of this realm, nor of the penalties therein contained, but unlawfully, wickedly, and corruptly devising, contriving, and intending to defraud our said lord the king of his duties of excise on beer and ale, after the said twenty-fourth day of June 1725, and before the day of exhibiting this information, to wit, on the said thirty-first day of August, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, in order to corrupt, persuade, and prevail upon the said John Wreford and Robert Huddleston, so being such officers as aforesaid, to connive at and conceal a fraud they the said Thomas Young and defendant had committed, relating to the said duties, that is to say, in laying off four barrels of strong beer, of a guile of strong beer by them the said Thomas Young and defendant brewed over and above the quantity declared by the said Thomas Young and defendant, did offer to give to the said John Wreford and Robert Huddleston, so being such officers as aforesaid, a certain other bribe, gratuity, and reward, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said defendant hath for his said last-mentioned offence forfeited and lost the further sum of five hundred pounds.

11. G. 1. c. 30. s. 40.

4th General Count, not stating the sum offered.

11. G. 1. c. 30. s. 40.

Against a chandler and maker of candles, not being a compounder, for making use of a room for keeping candles without entry.

THAT one John Waites, between the first day of January 1785 and the day of exhibiting this information, was a chandler and maker of candles, and not a compounder for the duties on candles by him made or to be made, to wit, at Westminster, in the said county of Middlesex; and the said John Waites, so being such chandler and maker of candles, and not a compounder for the duties on candles as aforesaid, between the times aforesaid, to wit, on the first day of August, in the year of Our Lord 1785, at Westminster aforesaid, in the said county, did make use of a certain room for the keeping of candles, without first making or having made, with the proper officer appointed for that purpose, at the next office of excise within the limits whereof such room was situate, a true and particular entry in writing of the said room, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute the said John Waites hath for his said offence forfeited and lost the sum of

11. G. 1. c. 30. s. 23.

of one hundred pounds. (2d same, but for an unentered place for keeping candles. 3d and 4th, room and place for the keeping of tallow and other materials proper to be made into candles. 7th and 8th, room and place for the keeping of utensils, and for and in the making of candles.)

GEO. WOOD.

For the condemnation of candles seized under a search warrant, for that the same were found lodged with intent to defraud the duties.

THAT one George Linsel, being one of the officers of his majesty's duties upon soap and candles, having cause to suspect that candles were lodged and concealed in some place or places in or about the house of John Grindley, situate in Great Earl-street, in the parish of Saint Giles's in the Fields, in the county of Middlesex, with intent to defraud his majesty of his duties thereon, did go before William Hyde, esquire, one of his majesty's justices assigned to keep the peace of our said lord the king in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, and did then and there make affidavit upon the holy Gospel of God before the said justice, and in such affidavit did upon his oath declare the ground of his suspicion as to the said lodging and concealing of the said candles, according to the statute in that case made and provided; and thereupon the said William Hyde, so being such justice as aforesaid, on the twenty-third day of December, in the year of Our Lord 1786, to-wit, at Westminster aforesaid, in the said county of Middlesex, did, according to the form of the statute in that case made and provided, make and grant his warrant in writing, under his hand and seal, reciting that the said George Linsel, &c. (recite the warrant); by virtue of which said warrant the said George Linsel, on the said twenty-third day of December, in the said year of Our Lord 1786, at and in the presence of one Joseph Thompson, he the said Joseph Thompson then and there being a constable, did go to the house of the said John Grimley, in the said warrant named, and did enter into the same for the purpose in the said warrant mentioned, and the said George Linsel did then and there seize and carry away a large quantity, to wit, six hundred and ninety-nine pounds weight of candles, for that the said candles were then and there found by the said George Linsel lodged in certain places in and about the house of the said John Grimley, in the said warrant mentioned, with intent to defraud his said majesty of his duties chargeable thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said candles became forfeited: And also for that the said candles, the same being candles chargeable with duties to our said lord the king, by the statutes in that case made and provided, were then and there found put and deposited in certain private places, to wit, in a certain place of and belonging to one John Grimley, and by him made use of for the keeping of candles, he the said John Grimley then and there being

5 G. 3 c. 43 s. 22.

2d Count, for being found put and deposited in a place belonging to a maker of candles, without entry.

being a maker of candles, and for which ſaid place no entry or entries had been made, or notice given, as by the ſtatutes in that caſe made and provided is required, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid candles became forfeited: And the ſaid Robert Aſlin, ſo being ſuch officer as aforeſaid, as well for his ſaid majeſty as himſelf, further gives the court here to underſtand and be informed, that the ſaid George Linſel, after the firſt day of June 1765, and before the day of exhibiting this information, to wit, on the ſaid twenty-third day of December, in the ſaid year of Our Lord 1786, at Weſtminſter aforeſaid, in the ſaid county, did, in purſuance of the ſtatutes in that caſe made and provided, ſeize and carry away a large quantity, to wit, one hundred and ſeventy pounds weight of cotton yarn, for that the ſaid cotton yarn, the ſame being a material for the making of candles, was on the ſaid twenty-third day of December, in the the ſaid year of Our Lord 1786, found by the ſaid George Linſel in certain places there, to wit, at Weſtminſter aforeſaid, in the ſaid county, preparing for the making of candles privately, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute the ſaid cotton yarn became forfeited: And alſo for that the ſaid cotton yarn, the ſame being a material for making candles, was then and there found put and depoſited in certain private places, to wit, in a a certain place of and belonging to the ſaid Grimley, and by him made uſe of for the keeping of candles, he the ſaid John Grimley then and there being a maker of candles, and for which ſaid laſt-mentioned place no entry or entries had been made, or notice given, as by the ſtatute in that caſe made and provided is required, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute the ſaid cotton yarn became forfeited: And the ſaid Robert Aſlin, ſo being ſuch officer as aforeſaid, as well for his ſaid majeſty as for himſelf further gives the court here to underſtand and be informed, that the ſaid George Linſel, between the firſt day of January 1786 and the day of exhibiting this information, to wit, on the ſaid twenty-third day of December, in the ſaid year of Our Lord 1786, at Weſtminſter aforeſaid, in the ſaid county, did in purſuance of the ſtatutes in that caſe made and provided, ſeize divers, to wit, two hundred and forty-ſeven pewter veſſels called moulds, for that the ſame were then and there found put and depoſited in certain places, to wit, in a certain place of and belonging to the ſaid John Grimley, and by him made uſe of for the making and keeping of candles, he the ſaid John Grimley then there being a maker of candles, and for which ſaid laſt-mentioned place or veſſels no entry or entries had been made or notice given, as by the ſtatute in that caſe made and provided is required, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute the ſaid veſſels called moulds became forfeited.

8. Ann. c. 9. ſ. 77.

3d Count, for condemnation of cotton yarns, for the ſame being a material for making candles was found in certain places preparing for the making candles privately.

5. G. 3. c. 43. ſ. 22.

4th Count, for being depoſited in a private place uſed by a maker of candles.

8. Ann. c. 9. ſ. 17.

5th Count, for condemnation of pewter moulds found depoſited in a private place, &c.

8. Ann. c. 9. ſ. 17.

GEO. WOOD.

THAT

THAT Richard Bolton for a long time, to wit, for the space of twelve months last past hath been and still is a chandler and maker of candles, chargeable and charged with certain rates and duties payable to his majesty, as such chandler and maker of candles was a trade subject to the survey of his majesty's officers of excise, and required by the laws concerning the duties under the management of the commissioners to keep sufficient and just scales and weights for weighing of such candles which he should make, and for which the duties chargeable thereon are payable by weight: And that the said Richard Bolton so being such chandler and maker of candles as aforesaid, after the twenty-fourth day of June 1770, and before the day of exhibiting this information, to wit, on the twenty-sixth day of March, in the year of Our Lord 1785, at Westminster aforesaid, in the said county, in the weighing of his stock of candles by him made, did make use of, and cause and procure, and suffer to be used false, unjust, and insufficient weights to the intent to defraud his majesty of the duties by the said laws granted and payable to his said majesty, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Richard Bolton hath for his said offence forfeited the sum of one hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty give the court here to understand and be informed, that the said Richard Bolton so being such chandler, and maker of candles, and trader as aforesaid, and as such required by the said laws and statutes in that case made and provided to keep sufficient and just scales and weights for weighing of such candles which he should make, and for which the duties chargeable thereon are payable by weight after the twenty-fourth day of June 1770, and before the day of exhibiting this information, to wit, on the said twenty-sixth day of March 1785 aforesaid, in the said county, in the weighing of his stock of candles by him made, did make use of, and did cause and procure, and suffer to be used false and unjust and insufficient scales, to the intent to defraud his majesty of the duties by the said laws granted and payable to his said majesty, contrary to the statute in that case made and provided, whereby and by force of the said statute the said Richard Bolton hath for his said last-mentioned offence forfeited the further sum of one hundred pounds.

For using, in weighing candles, with false, unjust and insufficient weights to the intent to defraud his majesty of his duties on candles.

8. Ann, c. 9. s. 11.

10. G. 3. c. 44. s. 1.

2d Count, for using, in weighing candles, with false, unjust, and insufficient scales, to the intent to defraud his majesty of his duties on candles.

8 Ann, c. 9. s. 11.

10. G. 3. c. 44. s. 1.

G. WOOD.

THAT defendants after the first day of August 1784, and before the day of exhibiting this information, to wit, at Westminster aforesaid, in the said county of Middlesex, were and now are chandlers and makers of candles chargeable with the duties given and granted to his majesty by the statutes in that case made and provided; and they the said defendants so being such chandlers and makers of candles as aforesaid, within the time aforesaid, to wit, on the eighth day of April 1786, at Westminster aforesaid,

Against chandlers and makers of candles who had declared their intention of making a course of mould candles. For selling and drawing moulds oftener than declared.

said, in the said county, did make and deliver, and cause to be made and delivered to the officers under whose survey the said defendants were, a declaration in writing of their intention to make a course or making of mould candles, and of the particular hour and time of the day or night when such course or making was intended to be begun, and of the number and size of the moulds they intended to fill and draw, and also of the number of times they intended to fill and draw the same in such making; yet the said defendants not regarding the statute in that case made and provided, to wit, on the same day and year last aforesaid, at Westminster aforesaid, did in or about such making or course by them then and there made, by virtue of and under the said declaration, fill and draw five hundred moulds for making mould candles, a greater number of times, to wit, twice more than was mentioned in the said declaration, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute in that case made and provided, the said defendants so being such chandlers and makers of candles as aforesaid, have for their said offence forfeited and lost the further sum of fifty pounds: And the said attorney general who prosecutes, doth on behalf of his said majesty further give the court here to understand and be informed, that the said defendants so being such chandlers and makers of candles as aforesaid, afterwards, within the time aforesaid, to wit, on the said eighth day of April, in the said year of Our Lord 1786, at Westminster aforesaid, in the said county, did make and deliver, and cause to be made and delivered to the officer under whose survey the said defendants were, a certain other declaration in writing of their intention to make a course or making of mould candles, and of the particular hour and time of the day or night when such course or making was intended to be begun, and of the number and size of the moulds they intended to fill and draw, and also the number of times they intended to fill and draw the same in such making; yet the said defendants not regarding the statute in that case made and provided, to wit, on the same day and year last aforesaid, at Westminster aforesaid, in or at such making or course by them then and there made by virtue of and under the said last-mentioned declaration, had divers, to wit, one thousand mould candles more than were mentioned in such declaration, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said defendants so being such chandlers and makers of candles as aforesaid, have for their said last mentioned offence forfeited and lost the further sum of fifty pounds (3d same as the 2d; but having "one thousand moulds" instead of "mould candles"): And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said defendants so being such chandlers and makers of candles as aforesaid, afterwards, within the time aforesaid, to wit, on the said eighth day of April, in the said year of Our Lord 1786 aforesaid,

24. G. 3. c. 11. s. 9.

2d Count, for having at a making of mould candles, more mould candles than was declared.

24. G. 3. c. 11. s. 9.

4th Count, for beginning to work upon and make a course of mould candles without a declaration.

said, at Westminster aforesaid, in the said county, did begin to work upon and make a course or making of mould candles, without first making and delivering, or causing to be made and delivered to the officer or officers under whose survey the said defendants so being such chandlers and makers of candles then were, a declaration in writing of the said defendants' intention to make such course or making of candles, and of the particular hour or time of the day or night when such course or making was intended to be begun, and of the true number and size of the moulds they intended to fill and draw the same in such making or course, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said defendants so being such chandlers and makers of candles as aforesaid, have for their said last mentioned offence forfeited and lost the further sum of fifty pounds.

24. G. 3. c. 11. s. 9.

G. WOOD.

THAT Leonard Greenbank, one of the officers of and for his majesty's duties of excise, and for the duties upon soap and candles after the first day of June 1765, and before the day of exhibiting this information, to wit, on the eleventh day of October, in the year of Our Lord 1785, at Westminster, in the said county of Middlesex, did find one James Moreton privately making candles with an intent to defraud his majesty of his duty thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said James Moreton, he the said James Moreton not being able to make it appear that the duty has been paid for the same, hath forfeited the sum of one hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said L. Greenbank so being such officer as aforesaid, between the times aforesaid, to wit, on the said eleventh day of October 1785 aforesaid, at Westminster aforesaid, did find a large quantity, to wit, one thousand two hundred and fifty-three pounds weight of candles in the possession of the said James Moreton, lodged in a certain room in the possession of the said James Moreton, with an intent to defraud his majesty of his duty thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said James Moreton, he the said James Moreton not being able to make it appear that the duty has been paid for the same, hath forfeited and lost the further sum of one hundred pounds.

For finding a person privately making candles with an intent to defraud his majesty of the duty thereon.

5. G. 3. c. 43. s. 22.

2d Count, that an officer of excise found a quantity of candles in the possessor, lodged in a certain room in his possession with intent to defraud the king of the duties,

5. G. 3. c. 43. s. 22.

G. WOOD.

THAT he the said John Saunders, being such officer of excise as aforesaid, between the first day of February last past, and

For the condemnation of wax: for that the same being a material for making candles was put and deposited in a private place used by a maker of candles without entry or notice.

the day of exhibiting this information, to wit, on the fourth day of February, in the year of Our Lord 1785, at Westminster, in the said county of Middlesex, did in pursuance of the statute in that case made and provided, seize and arrest to the use of his said majesty and himself as forfeited, a large quantity, to wit, three thousand five hundred pounds weight of wax, for that the said wax being materials for making candles was then and there found, put, and deposited in a certain private place, to wit, in a certain room of and belonging to one Frederick Yeamans Warbrough, and then and there used by him for the keeping of wax proper to be made into candles, he the said Frederick Yeamans Warbrough then and there being a maker of candles; and for which said place no entry or entries had been made or notice given, as by the statute in that case made and provided is required, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said wax became forfeited.

8. Ann. c. 9. s. 17.

I think there is no probability that a jury will condemn the wax in question, as the excise officer himself is of opinion no fraud was intended. There is another ground too on which I think the wax would not be condemned, which is, that the place was not *a private* place, according to the sense which has of late been put upon the word by the court of exchequer and by jurors. I should have thought every place private for which no entry had been made according to the true sense of the act; a different construction has prevailed of late; and as former officers had access to this room, and were perfectly apprized of the use made of it, I think it will not be deemed a private place.

G. Wood.

Against a chandler for beginning to make a course or making of candles without a declaration.

THAT for six months now last past and longer, one Margery Jenkin has been and still is a chandler and maker of candles for sale, chargeable with the duties given and granted to his majesty by the statutes in that case made and provided, that is to say, at Westminster, in the county of Middlesex; and the said Margery Jenkin so being such chandler and maker of candles for sale as aforesaid, and whilst she was such chandler and maker of candles as aforesaid, did between the first day of August 1785, and the day of exhibiting this information, to wit, on the twenty-seventh day of September, in the year last aforesaid, at Westminster aforesaid, in the said county of Middlesex, begin to work upon, dip, and make a course or making of candles, not being mould candles, without first making and delivering, or causing to be made and delivered to the officer or officers under whose survey the said Margery Jenkin so being such chandler and maker of candlers for sale as aforesaid then was, a declaration in writing of the said Margery Jenkin's intention to make such course or making of candles, and of the particular hour or time of the day or night when such course or making was intended to be begun, and of the true number of sticks of which such course or making was intended to consist, and of the sizes and true number of candles intended to be made on every and each stick intended to be

be made in and at such making or course, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute she the said Margaret Jenkin hath for her said offence forfeited the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Margery Jenkin on the first day of August now last past was, and continually from thenceforth hitherto hath been, and still is a chandler and maker of candles, to wit, at Westminster aforesaid, in the said county; and the said Margery Jenkin so being such chandler and maker of candles as last aforesaid, after the said first day of August, and before the day of exhibiting this information, to wit, on the said fifth day of November, in the year last aforesaid, to wit, at Westminster aforesaid, in the said county of Middlesex, did begin to spread cottons for a course or making of candles without first giving to the officers of the division, or place where such last-mentioned candles were intended to be made, such notice in writing of the particular time and hour when she the said Margery Jenkin so being such chandler and maker of candles as last aforesaid, intended to begin to spread cottons for such course or making of candles as by the statute in that case made and provided is required, contrary to the form of the statute in that case made and provided; by reason whereof and by force of the said last-mentioned statute she the said Margery Jenkin hath for the said last-mentioned offence forfeited the further sum of fifty pounds; And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Margery Jenkin on the first day of August now last past was, and continually from thenceforth hitherto hath been, and still is a chandler and maker of candles, to wit, at Westminster aforesaid; and the said Margery Jenkin so being such chandler and maker of candles as last aforesaid, after the said first day of August, and before the day of exhibiting this information, to wit, on the said fifth day of November, in the year last aforesaid, at Westminster aforesaid, in the said county of Middlesex, did begin to dip cottons for a course or making of candles without first giving to the officers of the division or place where such last-mentioned candles were intended to be made, such notice in writing of the hour and time when she the said Margery Jenkin so being such chandler and maker of candles as last aforesaid, intended to begin to dip such cottons for the said course or making of candles as by the statute is required, contrary to the form of the said last-mentioned statute in that case made and provided, by reason whereof and by force of the said last-mentioned statute she the said Margery Jenkin hath for the said last-mentioned offence forfeited the further sum of fifty pounds.

11. G. 1. c. 30. s. 27.

2d Count, for beginning to spread cottons for a course of candles without a declaration.

25. G. 3. c. 74 s. 29.

3d Count, for beginning to dip cottons for a course of candles without a declaration.

25. G. 3. c. 74. s. 29.

G. WOOD.

THAT

Against a chandler and maker of candles for having in and at a making or course of candles, not being mould candles, more sticks than declared.

THAT the said defendant so being such chandler and maker of candles for sale as aforesaid, between the said first day of August 1785, and the day of, &c. to wit, on the said fifth day of November, in the year last aforesaid, at Westminster aforesaid, in the said county, had in and at a making or course of candles (the same candles not being mould candles) more sticks, that is to say, sixteen sticks more than were mentioned in a declaration in writing of her the said Margery Jenkin's intention of making such last-mentioned course or making of candles first made and delivered, or caused to be made and delivered to the officer under whose survey the said Margery Jenkin so being such chandler and maker of candles for sale as aforesaid then was, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said last-mentioned statute the said Margery Jenkin hath for her said last-mentioned offence forfeited and lost the further sum of fifty pounds.

11. G. 1. c. 30. s. 27.

G. WOOD.

Against a chandler and maker of candles for fraudulently removing candles from the place of making before they had been weighed by the officer, with intent to defraud the king of his duty.

THAT the said defendant being such chandler and maker of candles for sale as aforesaid, within the time aforesaid, to wit, on the said fifth day of November, in the said year of Our Lord 1785, at Westminster aforesaid, in the said county, did fraudulently remove from the place of her the said defendant's making of candles divers candles, that is to say, fifty pounds weight of candles, before they had been weighed by the surveying officer or officers of excise, with intent to deceive his majesty of and in his duties upon candles, contrary to the statute in such case made and provided, by reason whereof and by force of the said statute the said Margery Jenkin hath for her said last-mentioned offence forfeited the further sum of one hundred pounds.

11. G. 3. c. 30. s. 30.

G. WOOD.

For fraudulently hiding and concealing candles with intent to defraud the duties on candles.

THAT the said defendant being such chandler and maker of candles for sale as aforesaid, he the said defendant, after the said twenty-fourth day of June 1725, and before the day of exhibiting this information, to wit, on the said twenty-fifth day of March, in the said year of Our Lord 1786 aforesaid, at Westminster aforesaid, in the said county, did fraudulently hide and conceal certain candles, that is to say, five hundred pounds weight of candles with intent to deceive his majesty of and in his duties upon candles, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said defendant hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds.

11. G. 1. c. 30. s. 30.

THAT

THAT the said defendant so being such chandler and maker of candles for sale as aforesaid, he the said defendant, after the said twenty-fourth day of June 1725, and before the exhibiting this information, to wit, on the said twenty-ninth day of March 1785, at Westminster aforesaid, in the said county, did mix and mingle divers candles, that is to say, three hundred pounds weight of candles which had not been duly weighed by the proper officer or officers of excise, with others which had been weighed, contrary to the form of the statute in such case made and provided, by reason whereof and by force of the said statute the said defendant hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds.

For mixing candles which had not been duly weighed by the proper officer of excise, with others which had been weighed.

11. G. 1. c. 30. s. 30.

MIDDLESEX, to wit. Be it remembered that John Saunders, one of the officers of his majesty's revenue of excise, who prosecutes as well for his said majesty as for himself, cometh before the barons of this exchequer the sixteenth day of April, in the year of Our Lord 1784, and as well for his said majesty as for himself, informs the court here that he the said John Saunders, so being an officer for the said duties of excise between the first day of January 1784, and the day of exhibiting this information, to wit, on the tenth day of February, in the said year of Our Lord 1784, at Westminster, in the county of Middlesex, did in pursuance of the statute in that case made and provided, seize and arrest to the use of his said majesty and himself as forfeited, a large quantity, to wit, five thousand five hundred and sixty-eight pounds weight of candles, for that the said wax candles were then and there found by the said officer fraudulently hid and concealed in certain places there, to wit, at Westminster aforesaid, in the county aforesaid, with intent to defraud his said majesty of the duties chargeable thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said wax candles became forfeited: And also for that the said wax candles were then and there found by the said officer lodged in certain places, to wit, at Westminster aforesaid, in the county aforesaid, with intent to defraud his said majesty of his duties chargeable thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said wax candles became forfeited: And also for that the said wax candles being wax candles chargeable with duties to our said lord the king, by the statute in that case made and provided, were then and there found, put, and deposited in certain private places, to wit, in a certain shop and warehouse, or back room behind the said shop of and belonging to one Thomas Thorley, he the said Thomas Thorley then and there being a maker of candles; and for which said places no entry or entries had been made or notice given of, as by the statutes in that case made and provided is required, contrary to the form of the statutes in that

Information for the condemnation of wax candles, for that the same were found fraudulently hid and concealed, with intent to defraud the duties.

23. G. 2. c. 21. s. 34.

2d Count, for being lodged in a certain place with intent to defraud the duties.

5. G. 3. c. 43. s. 22.

Amended by leaving out the words "and concealed," and adding the 3d Count.

3d Count, for being found, put, and deposited in private places, to wit, in a shop used by a maker of candles for which no entry had been made.

8. Ann. c. 9. f. 6.

case made and provided, whereby and by force of the said statutes the said wax candles became forfeited.

G. WOOD.

Mr. Wood's opinion taken previous to amending the above information:

It seems very extraordinary that the court of exchequer should decide upon the 5. G. 3. that the candles are not forfeited unless they are concealed when the statute is in the disjunctive lodged *or* concealed. The information is lodged *and* concealed; but I conceive if either is proved, the information is supported, the offence in the statute being in the disjunctive. However that the court may get into no mistake in that point, I think it would be proper to amend the 2d Count of the information by striking out the words "and concealed," and letting it stand *lodged* only, and then to bring it on again before the court; for as present it does not appear that the court has at all taken it upon that point.

I think too that Thorley is a maker of candles; and that those candles are forfeited, as being in an unentered place, on the 8 Ann, c. 9. f. 6. and that it will be proper to get a Count added for that purpose.

G. WOOD.

Against a cyder factor and agent for beginning to sell cyder without making entry of his name and cellar used by him for laying and keeping cyder.

THAT defendant being a factor and agent, having, receiving, and taking cyder into his custody, possession, and power to sell and dispose of after the fifth day of July 1766, and before the day of exhibiting this information, to wit, on the first day of May, in the year of Our Lord 1787, at Westminster, in the county of Middlesex, did begin to sell or dispose of the same; yet the said defendant did not at least three days before he began to sell or dispose of the same make a true and particular entry in writing at the office of excise, next to the place where such cyder was intended to be sold or disposed of, of the name of the said defendant, and of every storehouse, warehouse, room, cellar, or other place wherein he had laid or kept or intended to lay or keep any cyder; but contrary to the direction of the statute in that case made and provided, he the said defendant did make use of a cellar for the laying and keeping cyder without having made such entry as aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute he the said defendant hath forfeited and lost the sum of fifty pounds for the said cellar so used, after the said sixth day of July 1766, without entry as aforesaid (2d Count like the 1st, but for a *place* instead of *cellar*): And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said defendant being a dealer in and retailer of cyder, and receiving cyder into his custody for sale after the twenty-fifth day of March 1763, and before the day of exhibiting this information, to wit, on the first day of May, in the year of Our Lord 1787, to wit, at Westminster aforesaid, in the said county, did make use of a certain other cellar for keeping of cyder without making or having made a true and particular entry in writing of the said last-mentioned cellar at the office of excise, within the compass or limits whereof the said last-mentioned cellar was situated, contrary to

6. G. 3. c. 14. f. 9.

2d Count, for using a cellar for keeping cyder without entry.

3d Count.

to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid defendant hath for his laſt-mentioned offence forfeited the further ſum of fifty pounds.

3. G. 3. c. 8. ſ. 25.

GEORGE WOOD.

Againſt a cyder factor for removing cyder from the maker to the perſon buying the ſame of defendant without duties charged, and without a certificate ſigned by the proper officer.

THAT one Joſeph Wood on the firſt day of May 1785, and before, was, and from thenceforth hitherto hath been and ſtill is a dealer in cyder, to wit, at Weſtminſter, in the ſaid county of Middleſex; and the ſaid Joſeph Wood ſo being ſuch dealer in cyder as aforeſaid, after the fifth day of July 1766, and before the removal hereafter next mentioned, to wit, on the ſaid firſt day of May 1785, to wit, at Weſtminſter aforeſaid, one William Newton did buy of the ſaid Joſeph Wood ſo being ſuch dealer in cyder as aforeſaid, a large quantity, to wit, two hundred and ſixty gallons of cyder; and that the ſaid Joſeph Wood ſo being ſuch dealer in cyder as aforeſaid, afterwards, and between the firſt day of May 1785, and the day of exhibiting this information, to wit, on the firſt day of April 1786, at Weſtminſter aforeſaid, in the ſaid county of Middleſex, did remove and ſend, and cauſe and procure to be removed and ſent the ſaid quantity of cyder from one James Cowper the maker of the ſaid cyder, to the ſaid William Newton the perſon buying the ſame of the ſaid Joſeph Wood as aforeſaid, without the duties thereon having been firſt charged, and without a certificate to accompany the ſame ſigned by the proper officer of exciſe, ſignifying the quantity of cyder ſo ſent and removed, and the number of caſks or other package containing the ſame; and that the duties due thereon had been charged for the ſame, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute the ſaid Joſeph Wood hath for his ſaid offence forfeited and loſt the ſum of fifty pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Joſeph Wood ſo being ſuch dealer in cyder as aforeſaid, after the ſaid fifth day of July 1766, and before the removal hereafter next mentioned, to wit, on the firſt day of May 1785, to wit, at Weſtminſter aforeſaid, the ſaid William Newton did contract with the ſaid Joſeph Wood ſo being ſuch dealer in cyder as aforeſaid, for the purchaſe of another large quantity, to wit, two hundred and ſixty gallons of other cyder; and that the ſaid Joſeph Wood ſo being ſuch dealer in cyder as aforeſaid, afterwards, and between the ſaid firſt day of May 1785, and the day of exhibiting this information, to wit, on the ſaid firſt day of April 1786, to wit, at Weſtminſter aforeſaid, in the ſaid county, did remove and ſend, and cauſe and procure to be removed and ſent the ſaid laſt-mentioned quantity of cyder from the ſaid James Cowper the maker of the ſaid cyder, to the ſaid William Newton the perſon contracting for the ſame as aforeſaid, without the duties thereon having

6. G. 3. c. 14. ſ. 15.

2d Count, ſame as the 1ſt; but for removing cyder from the maker to the perſon contracting with defendant for the ſame.

having been first charged, and without a certificate to accompany the same signed by the proper officer, signifying the quantity of cyder so sent and removed as last aforesaid, and the number of casks or other package containing the same, and that the duties due thereon had been charged for the same, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Joseph Wood hath for his said last-mentioned offence forfeited and lost the further sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Joseph Wood so being such dealer in cyder as aforesaid, after the said fifth day of July 1766, and before the removal hereafter next-mentioned, to wit, on the first day of May 1785, at Westminster aforesaid, the said William Newton did order from the said Joseph Wood so being such dealer in cyder as aforesaid, another large quantity, to wit, two hundred and sixty gallons of other cyder; and that the said Joseph Wood so being such dealer in cyder as aforesaid, afterwards, and between the said first day of May 1785, and the day of exhibiting this information, to wit, on the said first day of April 1786, to wit, at Westminster aforesaid, in the said county, did remove and send, and cause and procure to be removed and sent the said last-mentioned quantity of cyder from the said James Cowper, the maker of the said cyder, to the said William Newton the person ordering the same as aforesaid, without the duties thereon having been first charged, and without a certificate to accompany the same signed by the proper officer of excise signifying the quantity of cyder so sent and removed as last aforesaid, and the number of casks or other package containing the same, and that the duties due thereon had been charged for the same, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Joseph Wood hath for his said last-mentioned offence forfeited the further sum of fifty pounds.

6. G. 3. c. 14. s. 15.

3d Count, for removing it from the maker to the person ordering it of defendant.

8. G. 3. c. 14. s. 15.

G. WOOD.

Against a distiller and maker of low wines and spirits for sale, for making spirituous liquors without making an entry, ten days before he made such spirits, of a still used in the making low wines and spirits.

THAT one Richard Knighton, after the first day of July 1751, and before the day of exhibiting this information, to wit, on the twentieth day of April, in the year of Our Lord 1785, at Westminster aforesaid, in the said county, did become, and then and there was, and from thenceforth until, and at the time of committing the several offences next hereinafter mentioned, was a distiller and maker of low wines and spirits for sale; and the said Richard Knighton having so become and so being such distiller and maker of low wines and spirits as aforesaid, he the said Richard Knighton did then and there distil and make certain spirituous liquors; yet the said Richard Knighton did not ten days before he the said Richard Knighton did so distil and make the said spirituous liquors, make a true and particular entry in writing at the next office of excise within the limits whereof his the said Richard

and Knighton's place used for distilling and keeping wash, low wines, and spirits was situate, of a certain still which he the said Richard Knighton did then and there make use of for the distilling and making low wines, spirits, and strong waters, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute he the said Richard Knighton hath forfeited and lost for the said still so made use of and not entered as aforesaid the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that he said Richard Knighton having so become and so being a distiller and maker of low wines and spirits for sale as aforesaid, he the said Richard Knighton did afterwards, to wit, on the twentieth day of May, in the said year of Our Lord 1785, at Westminster aforesaid, in the said county, distil and make the said spirituous liquors; yet the said Richard Knighton did not ten days before he the said Richard Knighton did so distil and make the said spirituous liquors, make a true and particular entry in writing at the next office of excise, within the limits whereof his the said Richard Knighton's place, and for distilling and keeping wash, low wines, and spirits, was situate, of a certain copper which he the said Richard Knighton did then and there make use of for the brewing, distilling, working, making, laying, and keeping worts, wash, low wines, spirits, and strong waters, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute he the said Richard Knighton hath forfeited and lost for the said copper, which he the said Richard Knighton so made use of and not entered as aforesaid, the further sum of fifty pounds. G. Wood.

24. G. 2. c. 40. s. 18.

2d Count, for not making entry of a copper used in the keeping worts, wash, low wines, and spirits.

24. G. 2. c. 40. s. 18.

THAT Solomon Leonard after the tenth day of April 1697, and before the exhibiting of this information, to wit, on the tenth day of January, in the year of Our Lord 1785, at Westminster, in the county of Middlesex, he the said Solomon Leonard then and there being a distiller and maker of low wines and spirits for sale, had and kept a private and concealed place for the brewing, making, laying, and keeping worts, wash, low wines, and spirits, without first giving notice thereof at the next office of excise within the limits or jurisdictions whereof he the said Solomon Leonard inhabited, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Solomon Leonard hath for the said private and concealed place forfeited the sum of twenty pounds [2d and 3d Counts, keeping private wash batch, &c. private vessels called cisterns, &c.]: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Solomon Leonard after the first day of July 1751, to wit, on the said tenth day of January, in the year of Our Lord 1785, at Westminster

Against a distiller and maker of low wines for sale for having a private and concealed place for laying worts, wash, low wines, and spirits without notice.

8. and 9. W. 3 c. 19. s. 10.

4th Count, for using a wash batch without entry.

ſter aforeſaid, in the ſaid county, did become a diſtiller and maker of low wines and ſpirits for ſale, and did diſtill and make ſpirituous liquors; and being ſuch diſtiller and maker of low wines and ſpirits for ſale, afterwards, to wit, on the ſame day and year laſt aforeſaid, at Weſtminſter aforeſaid, did make uſe of a certain waſh batch for the brewing, diſtilling, working, making, laying, and keeping worts, waſh, low wines, ſpirits, and ſtrong waters; yet the ſaid Solomon Leonard did not ten days before he diſtilled and made ſpirituous liquors, make a true and particular entry in writing at the next office of exciſe within the limits whereof his workhouſe, ſtillhouſe, ſtorehouſe, and other place uſed for diſtilling and keeping waſh, low wines, and ſpirits was ſituate of the ſaid laſt-mentioned waſh batch which he ſo made uſe of as aforeſaid, for the brewing, diſtilling, working, making, laying, and keeping worts, waſh, low wines, ſpirits, and ſtrong waters as by the ſaid ſtatute in that caſe made and provided is required, but neglected ſo to do, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute he the ſaid Solomon Leonard hath forfeited and loſt for the ſaid laſt-mentioned waſh batch ſo made uſe of and not entered as aforeſaid, the ſum of fifty pounds [5th Count, uſing a veſſel called a ciſtern without entry]: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that after the twenty-eighth day of February 1698, and before the day of exhibiting this information, to wit, on the ſaid tenth day of February, in the year of Our Lord 1785, at Weſtminſter aforeſaid, in the ſaid county, the ſaid Solomon Leonard being ſuch diſtiller as aforeſaid, had and kept a certain private pipe by which waſh and other liquors fit for diſtillation might be conveyed from one batch or other veſſel to another, or from any ſuch batch or veſſel to his ſtill or ſtills, contrary to the form of the ſtatute in that caſe made provided, by reaſon whereof and by force of the ſaid laſt-mentioned ſtatute the ſaid Solomon Leonard hath forfeited for the ſaid pipe the further ſum of one hundred pounds [7th Count, had and kept a private ſtop cock, by which waſh and other liquors fit for diſtillation might be conveyed from one batch or other veſſel to another, and from any ſuch batch or other veſſel to his ſtill or ſtills]: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Solomon Leonard being a diſtiller, did between the firſt day of January 1784, and the day of exhibiting this information, to wit, on the fourteenth day of December 1785, at Weſtminſter, in the ſaid county of Middleſex, open the charge cock of and to a certain ſtill to him then and there belonging, and by him then and there uſed, after the ſame charging cock had been locked and ſecured by the proper officer of exciſe in that behalf, as by the ſtatute in that behalf is required, before the ſame had been opened by the proper officer of exciſe in that behalf, contrary to the form of the ſtatute in that caſe made

24. G. 2. c. 40. ſ. 18.

6th Count, for having a private pipe for conveying waſh from one batch to another.

30. and 31. W. 3. c. 4. ſ. 3.

8th Count, for opening the charge cock of a ſtill after the ſame had been locked and ſecured by the proper officer, and before the ſame had been opened.

12. G. 3. c. 46. ſ. 18.

made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid Solomon Leonard hath for his ſaid laſt-mentioned offence forfeited and loſt the further ſum of two hundred pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Solomon Leonard between the times laſt aforeſaid, to wit, on the ſaid fourteenth day of December 1785, at Weſtminſter aforeſaid, in the ſaid county, did open the diſcharge cock of a certain ſtill of him the ſaid Solomon Leonard ſo being ſuch diſtiller as aforeſaid, after the ſame had been locked and ſecured by the officer of exciſe in that behalf, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid Solomon Leonard hath for his ſaid mentioned offence forfeited and loſt the further ſum of two hundred pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Solomon Leonard between the times laſt aforeſaid, to wit, on the ſaid fourteenth day of December 1785, at Weſtminſter, in the ſaid county, did wilfully hurt and damage a certain lock put upon the diſcharge cock of a certain ſtill belonging to him the ſaid Solomon Leonard ſo being ſuch diſtillers as aforeſaid, and by him then and there uſed, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute he the ſaid Solomon Leonard hath forfeited and loſt the further ſum of two hundred pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid Solomon Leonard being a diſtiller and maker of low wines and ſpirits for ſale, between the times laſt aforeſaid, to wit, on the ſaid fourteenth day of December 1785, at Weſtminſter aforeſaid, in the ſaid county, did preſume to diſtil and to make low wines and ſpirits before he had found and provided and affixed ſufficient keys, locks, and faſtenings, or a ſufficient key, lock, and faſtening (approved of in writing by and under the hands or hand of the reſpective ſurveyors or ſupervifors of exciſe, ſurveyor or ſupervifor of exciſe of the diviſion or diſtrict in which the ſaid Solomon Leonard reſided) to the diſcharge cock of a certain waſh ſtill to him then and there belonging, and by him then and there uſed, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid Solomon Leonard hath for his ſaid laſt-mentioned offence forfeited the further ſum of fifty pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that after the twenty-ninth day of September, in the year of Our Lord 1783, and before the day of exhibiting this information, to wit, on the twentieth day of May, in the year of Our Lord 1784, at Weſtminſter, in the ſaid county, the ſaid Solomon

9th Count, for opening the diſcharge cock of a ſtill after the ſame had been locked by the proper officer.

14. G. 3. c. 73. ſ. 12.

10th Count, for damaging the lock affixed to the diſcharge cock of a ſtill.

14. G. 3. c. 73. ſ. 12.

11th Count, for preſuming to diſtil without finding faſtenings to the diſcharge lock of the waſh ſtill.

14. G. 3. c. 73. ſ. 5.

12th Count, for uſing molaſſes in making corn waſh.

mon Leonard being a distiller and maker of low wines and spirits from corn and grain, did make use of a large quantity, to wit, one hundred pounds weight of molasses in the brewing, making, and preparing wash for distillation, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Solomon Leonard hath forfeited and lost for his said last-mentioned offence the further sum of one hundred pounds.

GEO. WOOD.

For the condemnation of raw molasses spirits, for being removed by permits under a false description, that is, under the description of British brandy instead of raw molasses spirits.

THAT he the said Thomas Cooper, so being one of the officers of excise as aforesaid, after the tenth day of October 1784, to wit, on the second day of May, in the year of Our Lord 1785, to wit, at Ratcliff, in the said county of Middlesex, did seize and arrest, to the use of his said majesty and himself as forfeited, a large quantity, to wit, eighteen thousand six hundred gallons of spirituous liquors called raw molasses, for that the said spirituous liquors after the tenth day of October 1784 had been removed by virtue of permits in that behalf, to wit, from Bristol to Southwark, under a false description, that is to say, under the description of British brandy, when in truth and in fact the same were not British brandy, but raw molasses spirits, contrary to the form of the statute in that case made and provided, whereby the said raw molasses spirits became lost and forfeited.

24. Geo. 3. c. 46. s. 10.

GEO. WOOD.

Against a distiller for home consumption for obstructing an officer from having free ingress and regress to and from his stillhouse, where utensils were standing, by keeping the stillhouse-door shut.

THAT one Thomas Harris after the tenth day of October 1784, and before the day of exhibiting this information, to wit, on the eighth day of April 1785, and long before, was and still is a distiller of low wines and spirits for home consumption, and had made entry of a certain still and certain places and utensils for the brewing, fermenting, and distilling of wash, low wines, and spirits for home consumption, which utensils were standing in the said entered stillhouse and places belonging to the said Thomas Harris, so being such maker of low wines and spirits for home consumption as aforesaid, to wit, at Westminster, in the the county of Middlesex, and that one James Graham during all the time aforesaid was an officer of excise belonging to the district in which the said still house and places were situate, and that he the said James Graham so being such officer as aforesaid, between the said tenth day of October 1784 and the day of exhibiting this information, to wit, on the said eighth day of April 1785, did by the usual and accustomed door and passage to the said stillhouses and places attempt to enter the said entered stillhouse and places where the said utensils for brewing, fermenting, and distilling were standing as aforesaid, and that the said Thomas Harris did then and there wilfully obstruct the said James Graham so being such officer as aforesaid, from having free ingress

and

and regreſs into and from the ſaid entered ſtill houſe and places, by keeping the uſual and accuſtomed door and paſſage into the ſaid entered ſtill houſe and places ſhut and faſtened againſt the ſaid James Graham, ſo being ſuch officer of exciſe as aforeſaid, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute the ſaid Thomas Harris hath forfeited the ſum of two hundred pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that between the firſt day of January 1785 and the day of exhibiting this information, to wit, on the twenty-ſixth day of February 1785, at Weſtminſter aforeſaid, in the ſaid county, the ſaid James Graham ſo being ſuch officer of exciſe as aforeſaid, in purſuance of the ſtatutes in that caſe made and provided, did enter into the diſtilling houſe and places belonging to and uſed by the ſaid Thomas Harris, ſo being ſuch diſtiller as aforeſaid, and under the ſurvey of the ſaid James Graham, ſo being ſuch officer as aforeſaid, to gauge all coppers, vats, and veſſels in the ſame, and take an account of all beer, ale, worts, perry, cyder, ſtrong waters, aqua vitæ, metheglin, or other liquors in the ſaid houſe, places, and veſſels from time to time brewed, made, and diſtilled, in order to make a return or report thereof in writing to the commiſſioners of exciſe, and alſo to enter and keep exact accounts in his books of all worts, waſh, tilts, and other liquors whereon certain duties are impoſed by the ſtatute in that caſe made and provided, and in the ſaid books to give the ſaid Thomas Harris credit according to the rates and proportions in the ſaid act particularly mentioned, and that the ſaid Thomas Harris did then and there obſtruct and hinder the ſaid James Graham ſo being ſuch officer of exciſe as aforeſaid, in the due execution of the aforeſaid powers and authorities given and granted to him by the ſtatutes in that caſe made and provided, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute the ſaid Thomas Harris hath forfeited and loſt the further ſum of two hundred pounds of like lawful money.'

24. Geo. 3. c. 46. ſ. 31.

2d Count, for obſtructing an officer from gauging and taking an account of ſtock.

12. Car. 2. c. 23. ſ. 19.
24. Geo. 3 c. 46. ſ. 4. & 41.

GEO. WOOD.

GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and ſo forth, to George Hepburn, greeting: We command and ſtrictly enjoin you, that (all excuſes apart) you appear before the barons of our exchequer, at Weſtminſter, on the twenty-third day of January next, to anſwer us concerning certain articles then and there on our behalf to be objected againſt you; and this in no wiſe omit under the penalty of one hundred pounds which we ſhall cauſe to be levied to our uſe upon your goods and chattels, lands, and tenements, if you neglect this our preſent command. Witneſs Sir John Skinner, knight, at Weſtminſter, the twenty-eighth day

Common Subpœna. See information poſt.

day of November, in the twenty-seventh year of our reign. By the barons.

ELLIOT.

Indorsed

At the suit of his majesty's attorney general by information.

Capias.

GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, to the sheriff of Cornwall, greeting: We command you, that you do not omit, by reason of any liberty, but enter the same, and take William Spargoe by his body wherever you shall find him in your bailiwick, and that you keep him safely and securely, so that you have his body before the barons of our exchequer, at Westminster, on the twenty-first day of April next, to answer us touching certain articles whereon he is impleaded by an information lately exhibited against him before our said barons, by our attorney general, for the forfeiture of the sum of two thousand two hundred and fifty pounds for the offence in the said information, and that you then have there this writ. Witness Sir James Eyre, knight, at Westminster, the first day of February, in the thirtieth year of our reign, by the remembrance roll, and by the barons.

ELLIOT.

Michaelmas Term, 1790.

Information against a tanner for taking hides out of the wooze to be dried without notice.

MIDDLESEX, to wit. Be it remembered that Sir Archibald Macdonald, knight, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the twenty-eighth day of November in this same term, in his proper person doth on the behalf of his said majesty give the court here to understand and be informed, that one George Hepburn, long before and at the time of committing the several offences herein after mentioned, was a tanner of hides and skins, and pieces of hides and skins, chargeable by the statutes in that case made and provided, with duties due and payable to his said majesty for and in respect of such hides and skins, and pieces of hides and skins; and the said George Hepburn so being such tanner as aforesaid, he the said George Hepburn whilst he was such tanner as aforesaid, and after the twenty-fourth day of June 1711, and before the day of exhibiting this information, to wit, on the twenty-fourth day of November, in the year of Our Lord 1786, to wit, at Westminster, in the county of Middlesex, did endeavour to defraud his said majesty of the duties, by the statute in that case made and provided, due and payable to his said majesty for and in respect of hides and skins, and pieces of hides and skins, by the said George Hepburn tanned in Great Britain, by not giving or sending to the proper officer of the said duties such timely notice of taking his hides and skins, and pieces

pieces of hides and ſkins out of the ſaid wooze, as the ſaid ſtatute or act of parliament requires, but on the contrary thereof by then and there taking the ſaid hides and ſkins, and pieces of hides and ſkins out of the ſaid wooze, wherein the ſame were tanned and ſteeped in order to be dried, without any notice in writing having been before given or ſent by the ſaid George Hepburn to the proper officer for the ſaid duties, of the time when he the ſaid George Hepburn, ſo being ſuch tanner as aforeſaid, ſhould take the ſaid hides and ſkins, and pieces of hides and ſkins, or any of them, or any part thereof out of the ſaid wooze, wherein the ſame was ſo ſteeped as aforeſaid in order to be dried, contrary to the form of the ſtatute in that caſe made and provided, by reaſon whereof and by force of the ſaid laſt-mentioned ſtatute the ſaid George Hepburn hath for his ſaid offence forfeited the ſum of twenty pounds: And the ſaid attorney general, who proſecutes as aforeſaid, doth on the behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid George Hepburn ſo being ſuch tanner as aforeſaid, he the ſaid George Hepburn whilſt he was ſuch tanner as aforeſaid, after the ſaid twenty-fourth day of June 1711, and before the day of exhibiting this information, to wit, on the ſaid twenty-fifth day of November, in the ſaid year of Our Lord 1786, to wit, at Weſtminſter aforeſaid, in the ſaid county, did take divers, to wit, three other of his hides and three other of his ſkins, and three other pieces of his hides and three other pieces of his ſkins, chargeable with duties as aforeſaid, out of the wooze wherein the ſame had been tanned and ſteeped in order to be dried; yet the ſaid George Hepburn did not, within two days after the taking ſuch laſt-mentioned hides and ſkins, and pieces of hides and ſkins out of the wooze as aforeſaid, make true entry with the proper officer or officers of the number and quality of the ſaid laſt-mentioned hides and ſkins, and pieces of hides and ſkins ſo taken out to be dried, and verify ſuch entry upon oath, but did then and there endeavour to defraud his ſaid majeſty of the duties, by the ſtatutes in that caſe made and provided, payable for and in reſpect of the ſaid laſt-mentioned hides and ſkins, and pieces of hides and ſkins, by not making due entry and giving an account of the ſaid laſt-mentioned hides and ſkins, and pieces of hides and ſkins, as the ſaid ſtatute directs, contrary to the form of the ſtatute in ſuch caſe made and provided, by reaſon whereof and by force of the ſaid laſt-mentioned ſtatute the ſaid George Hepburn hath for his ſaid laſt-mentioned offence forfeited the further ſum of twenty pounds: And the ſaid attorney general, who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid George Hepburn ſo being ſuch tanner as aforeſaid, he the ſaid George Hepburn whilſt he was ſuch tanner as aforeſaid, after the ſaid twenty-fourth day of June 1711 and before the day of exhibiting

9. Ann. c. 11. ſ. 16 & 17.

2d Count, for not making entry with the proper officer within two days after taking hides out of the wooze to be dried, and verify ſuch entry upon oath.

9. Ann. c. 11. ſ. 16 & 17.

3d Count, for removing hides, of which a true entry ought to have been made with the proper officers, before the duties were charged, or any mark put thereon to denote the charge and entry.

this information, to wit, on the ſaid twenty-fifth day of October, in the ſaid year of Our Lord 1786, to wit, at Weſtminſter aforeſaid, in the ſaid county, did endeavour to defraud his ſaid majeſty of the ſaid duties by the ſtatute in that caſe made and provided, payable to his ſaid majeſty for and in reſpect of hides and ſkins tanned in Great Britain, by then and there removing, ſending, and carrying away from his yard, workhouſes, and other places where he the ſaid George Hepburn then uſually dried his hides and ſkins, a quantity of other his hides and ſkins, and pieces of hides and ſkins, to wit, three other of his hides and three other of his ſkins, and three other pieces of his hides and three other pieces of his ſkins, whereof true entry ought to have been made with the proper officer or officers of the number and quality of the ſaid laſt-mentioned hides and ſkins, and pieces of hides and ſkins, as the act in that caſe made and provided directs; and which ſaid laſt-mentioned hides and ſkins, and pieces of hides and ſkins, were then and there chargeable with the rates and duties aforeſaid, before the ſaid duties for the ſaid laſt-mentioned hides and ſkins, and pieces of hides and ſkins reſpectively were charged, and before any mark was put thereon or upon any or either of them, to denote the charge and entry thereof as the ſtatute in that caſe made and provided directs, contrary to the form of the ſtatute in that caſe made and provided, by reaſon whereof and by force of the ſaid laſt-mentioned ſtatute he the ſaid George Hepburn hath for his ſaid laſt-mentioned offence forfeited the further ſum of twenty pounds: Wherefore his majeſty's ſaid attorney general on behalf of his ſaid majeſty prayeth the conſideration of this court in the premiſes, and that the ſaid ſeveral ſums of money ſo forfeited by the ſaid George Hepburn in the behalf aforeſaid, may be adjudged to his ſaid majeſty, and that the ſaid George Hepburn may appear here in court to anſwer concerning his ſaid ſeveral offences, and concerning the ſaid ſeveral ſums of money.

9. Ann, c. 11. ſ. 16 & 17.

Prayer.

Inſtructions for plea.

31. Eliz c. 5. ſ. 15.

"That all informations, &c. exhibited on any ſtatute penal, whereby forfeitures limited to the queen, her heirs, or ſucceſſors, only ſhall be exhibited within two years after the offence committed; and that all actions, ſuits, bills, or informations, which ſhall be had, brought, ſued, or commenced for any forfeiture upon any penal ſtatute made or to be made (except the ſtatute of tillage), the benefit and ſuit whereof is and ſhall be by the ſaid ſtatute limited to the queen, her heirs, or ſucceſſors, and to any other which ſhall proſecute in that behalf, ſhall be had, brought, ſued, or commenced by any perſon that may lawfully purſue for the ſame as aforeſaid within one year next after the offence committed or to be committed againſt the ſaid ſtatute; and in default of ſuch ſuit, that then the ſame ſhall be had, ſued, exhibited, or brought for the queen's majeſty, her heirs, or ſucceſſors, at any time within two years after that year ended."

The

The lateſt of the ſuppoſed offences in point of time is ſtated to be committed twenty-fifth day of November 1786. The ſubpœna is teſted the twenty-eighth day of the ſame November, returnable firſt day of Hilary following, and information filed the twenty-eighth day of November 1789, upwards of three years after offences alledged to be committed.

We preſume the information is the commencement of the ſuit; for the attorney general prays that defendant may appear in court to anſwer concerning the premiſes in the information. If it be ſo conſidered, the proceſs of 1786 cannot be in purſuance of an information of 1789; therefore that information is not filed within the time limited by the ſtatute of 31. Eliz. c. 5.

HEPBURN *at the ſuit of* ATTORNEY GENERAL. } And the ſaid George Hepburn appeareth here in court by William Lane, his attorney, and prayeth oyer of the ſaid information, and it is read unto him, which being by him heard and fully underſtood, he complaineth to have been grievouſly vexed and moleſted under colour of the premiſes, and this the leſs juſtly, becauſe proteſting that the ſaid information and the matters therein contained are inſufficient in law, whereto he hath no need, nor is he bound by the law of the land to anſwer; for plea nevertheleſs the ſaid G. H. ſays, that the ſaid ſuppoſed offences in the ſaid information mentioned, and thereby alledged to have been committed by the ſaid G. H. were not nor were, nor was any or either of them committed within three years next before the exhibiting of the ſaid information, and this he the ſaid G. H. is ready verify: Wherefore he prays judgment if he ought to be any further vexed or moleſted in reſpect of the premiſes in the ſaid information contained, &c.

Plea that the ſuppoſed offences were not committed within three years.

31. Eliz. c. 5. ſ. 15.

V. LAWES.

CHIEF OFFICE IN LONDON FOR THE DUTIES OF EXCISE, &c. Be it remembered that on the fourth day of April 1789, within the limits of the chief office of exciſe in London, John Scott, gentleman, as well for his preſent majeſty as for himſelf, now here exhibited to and before us the commiſſioners and governors duly nominated, conſtituted, and appointed by his ſaid majeſty for the receipt of the exciſe and duties upon ſtarch, a complaint and information, and thereby informeth us, that for three months and longer, and within the limits and juriſdiction of the ſaid office and commiſſioners, one Richard Lindus hath been, and continued to be, and yet is an officer for the duties of exciſe and for the duties upon ſtarch, and being there ſuch officer he the ſaid Richard Lindus within three months now paſt, that is to ſay, on the thirteenth day of February now laſt paſt, within the limits and juriſdiction aforeſaid, having cauſe to ſuſpect that ſtarch was lodged in ſome place or places in or about the houſe of Benjamin Hawes, ſituate in Lower Thames-ſtreet, in the city of London, and within the limits and juriſdiction of us the ſaid commiſſioners, with an intent to defraud his majeſty of his duties thereon, he the ſaid Richard Lindus, being ſuch officer as aforeſaid, did go before Martin Wiſh and William Lowndes, eſquires, then

Information before the commiſſioners of exciſe for the condemnation of ſtarch, having been lodged with intent to defraud the duty, and alſo for the penalty of 50l. incurred by the perſon in whoſe poſſeſſion it was found.

then and there being two of the commiſſioners aforeſaid and for the duties upon ſtarch, and did then and there make oath before the ſaid Martin Wiſh and William Lowndes, eſquires (they the ſaid Martin Wiſh and William Lowndes, eſquires, then and there being two of the commiſſioners aforeſaid, having full power and complete authority to adminiſter ſuch oath to him in that behalf), that he ſuſpected ſtarch to be lodged in ſome place or places in or about the houſe of Benjamin Hawes, ſituate in Lower Thames-ſtreet aforeſaid, in the ſaid city of London, and within the limits and juriſdiction of the chief office in London for the ſaid duties of exciſe, ſetting forth by his ſaid oath the ground of ſuch his ſuſpicion; and the ſame appearing to the ſaid Martin Wiſh and William Lowndes, the commiſſioners aforeſaid, to be a reaſonable ground of ſuſpicion, they the ſaid Martin Wiſh and William Lowndes, as ſuch commiſſioners as aforeſaid for the duties upon ſtarch, did, by a ſpecial warrant under their hands and ſeals, authorize and empower the ſaid Richard Lindus, as ſuch officer as aforeſaid, by day or by night, but if in the night then in the preſence of a conſtable or other lawful officer of the peace to enter into all and every ſuch place and places in and about the houſe of the ſaid Benjamin Hawes, where he the ſaid Richard Lindus did ſo ſuſpect ſuch ſtarch to be lodged, and to ſeize all ſuch ſtarch as he ſhould find ſo lodged as forfeited: And the ſaid John Scott further informeth us the ſaid commiſſioners, that the ſaid Richard Lindus by virtue and in puſuance of the ſaid warrant, ſo to him granted by and under the hands and ſeals of them the ſaid Martin Wiſh and William Lowndes the commiſſioners aforeſaid, did on the ſaid thirteenth day of February now laſt paſt, by day enter into a certain room and place in the ſaid houſe of the ſaid Benjamin Hawes, ſituate in Lower Thames-ſtreet aforeſaid, and then and there found a large quantity of ſtarch, that is to ſay, three hundred and ten pounds weight of ſtarch, lodged in the ſaid room or place, with an intent to defraud his majeſty of his duty thereon; whereupon by virtue and in purſuance of the ſaid warrant to him granted as aforeſaid, and alſo by virtue and in purſuance of the ſtatute in ſuch caſe made and provided, he the ſaid Richard Lindus did then and there ſeize and carry away the ſaid three hundred and ten pounds weight of ſtarch, with the boxes and other things wherein ſuch ſtarch was contained, and the ſame did by force of the ſaid ſtatute become forfeited; and alſo the ſaid Benjamin Hawes, being the perſon in whoſe poſſeſſion the ſaid ſtarch was found, hath by force of the ſaid ſtatute forfeited and loſt the ſum of fifty pounds of lawful money of Great Britain; and thereupon the ſaid John Scott who as well, &c. humbly prays the judgment of us the ſaid commiſſioners in the premiſes, and that he may have one moiety of the ſaid forfeiture and penalty according to the form of the ſtatute in ſuch caſe made and provided, and that the ſaid defendant may be ſummoned to anſwer the ſaid premiſes, and to make defence thereto before the ſaid commiſſioners.

4.G.2. c.14. ſ.4.

3 Exciſe

Excise Office, London. You are hereby to take notice that an information hath been laid and exhibited against you before the commissioners and governors of excise, &c. by John Scott, gentleman, for the forfeiture of three hundred and ten pounds weight of starch, the same having been lodged in your house, &c. and seized by virtue of a warrant, &c. and also for fifty pounds for the same; and you will further take notice that the said commissioners and governors have appointed to hear the said information upon Wednesday next, being the eighth day of April now instant, at nine of the clock in the forenoon, at which time you are to appear and make your defence, or otherwise the said commissioners will proceed to the hearing and determining thereof as if you were present. Dated at the office above-mentioned the fourth day of April 1789. Summons. 4 G. 2. c. 14. s. 4.

By order of the said commissioners,
M. W. Mayow.

To Mr. Benjamin Hawes,
Thames-street.

If you bring counsel or attorney, and do not give two days notice thereof, he will not be heard.

8th April 1789. Mr. Hawes appeared in person; when called on to plead, said he was *guilty* of having the sack in his possession, but *not guilty* of any intent to defraud the king of his duty. The commissioners however recorded a plea of guilty; upon which Mr. Hawes determined on appealing against this conviction.

Chief Office in London for the Duties of Excise, &c. Be it remembered, &c. (set out the whole of the information): And thereupon afterwards, to wit, on the eighth day of April, in the year of Our Lord 1789, at the said chief office of excise in London, the said Benjamin Hawes having been previously duly summoned, in pursuance of our summons issued for that purpose, to appear and make defence to the said information, now here appears in his proper person before us William Lowndes and Stamp Brooksbank, esquires, and the honourable John Lutterell Olmius, three of the said commissioners of excise and for the duties on starch, to answer and make defence to the matter contained in the said information, and having heard the same, he the said Benjamin Hawes is asked by us the said commissioners if he can say any thing for himself why he should not be convicted of the premises above charged upon him for the causes in the said information mentioned, and why the said starch, with the package containing the same, should not be condemned as forfeited: And thereupon he the said Benjamin Hawes voluntarily confessed that the fact and facts there charged in the said information is and are true, in the manner and form as is therein and thereby set forth; it is therefore now here considered by us the said three last-mentioned commissioners that the said Benjamin Hawes be convicted, and he is accordingly by us convicted of the offence charged upon Conviction. Confession of the facts. Judgment of conviction.

him in and by the ſaid information; and we the ſaid commiſſioners do hereby adjudge that the ſaid three hundred and ten pounds weight of ſtarch, together with the boxes and things wherein the ſame was contained, were and are forfeited, and we do further adjudge that the ſaid Benjamin Hawes hath alſo for his ſaid offence forfeited and do forfeit the ſum of fifty pounds of lawful money of Great Britain, one moiety of the ſaid forfeiture and penalty to go and be paid to our ſaid lord the king, and the other moiety to the ſaid John Scott the informer, according to the form of the ſtatute in that caſe made and provided; in witneſs whereof we the ſaid laſt-mentioned commiſſioners to this record of condemnation and conviction have hereunto ſet our hands and ſeals, at the chief office of exciſe in London, the eighth day of April, in the year of Our Lord 1789.

Diſtribution of forfeiture and penalty.

WM. LOWNDES. (L. S.)
ST. BROOKSBANK. (L. S.)
J. L. OLMIUS. (L. S.)

Proceedings in the appeal.

John Axford being approved by the commiſſioners of appeal as a ſecurity with the claimant to pay the penalty adjudged by the commiſſioners of exciſe in caſe their judgment ſhould be affirmed, they entered into the following bond which ſhould have been made to his majeſty, inſtead of the commiſſioners of appeal.

KNOW ALL MEN by theſe preſents, that we Benjamin Hawes, of the pariſh of Saint Magnes the Martyr, in the city of London, blue-maker, and John Axford, of the pariſh of Saint Martin, Ludgate, in the ſame city, grocer, are juſtly and ſeverally held and firmly bound to Daniel Bull, George Chad, and John Cowſlade, of Weſtminſter, in the county of Middleſex, eſquires, three of the commiſſioners for appeals and regulating the duties of exciſe and upon ſtarch in the ſum of fifty pounds of lawful money of Great Britain, to be paid to the ſaid Daniel Bull, George Chad, and John Cowſlade, or their certain attorney, executors, adminiſtrators, and aſſigns; for which payment, well and truly to be made, we bind ourſelves and each of us, our and each of our heirs, executors, and adminiſtrators firmly by theſe preſents. Sealed with our ſeals, dated this day of , in the year of the reign of our ſovereign lord George the Third, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, and ſo forth, and in the year of Our Lord 1789.

Whereas by a certain conviction under the hands and ſeals of William Lowndes and Stamp Brookſbank, eſquires, and the honourable John Lutterell Olmius, three of the commiſſioners and governors duly nominated and appointed by his majeſty for the receipt of the exciſe and duties upon ſtarch, bearing date on or about

about the eighth day of April 1789, the ſaid laſt-mentioned commiſſioners condemned as forfeited three hundred and ten pounds weight of ſtarch, with the packages containing the ſame, ſeized by one Richard Lindus in a certain room in the houſe of the ſaid Benjamin Hawes, for that the ſame was there lodged with an intent to defraud his majeſty of his duty thereon, and alſo convicted the ſaid Benjamin Hawes in the penalty of fifty pounds, he being the perſon in whoſe poſſeſſion the ſaid ſtarch was ſo found, as by the conviction, reference being thereto had, may among other things more fully and at large appear: And whereas the ſaid Benjamin Hawes, finding himſelf aggrieved by the ſaid judgment and conviction, hath entered and lodged his appeal with the ſaid Daniel Bull, George Chad, and John Cowſlade ſo being ſuch commiſſioners for appeals as aforeſaid, againſt the ſaid judgment and conviction: Now the condition of this obligation is ſuch, that if on hearing of the ſaid appeal the ſaid judgment of condemnation and conviction ſhall happen to be affirmed, and the ſaid Daniel Bull, George Chad, and John Cowſlade, or any other of the commiſſioners for appeal for the time being, ſhall adjudge the ſaid Benjamin Hawes to pay the ſaid ſum of fifty pounds or a leſs ſum than fifty pounds, and the above bounden Benjamin Hawes and John Axford, or either of them, their or either of their heirs, executors, or admininiſtrators do well and truly pay or cauſe to be paid unto the ſaid Daniel Bull, George Chad, and John Cowſlade, or either of them, their or either of their executors, adminiſtrators, and aſſigns ſuch ſum of fifty pounds, or a leſs ſum than fifty pounds, as the ſaid Benjamin Hawes ſhall be adjudged to pay by the ſaid commiſſioners of appeals, then this obligation to be void and of no effect, or elſe to be and remain in full force and virtue. Condition.

Sealed and delivered, being firſt duly ſtamped, in the preſence of } &c.

Between { BENJAMIN HAWES, Appellant. and JOHN SCOTT, Reſpondent.

Take notice that I ſhall appeal to the commiſſioners for appeals and regulating the duty of exciſe, or the major part of them, at the next general court of appeals, againſt a judgment of conviction lately given by you againſt me on Wedneſday the eighth day of April inſtant, in a certain information lately exhibited againſt me by the above named reſpondent for the forfeiture of three hundred and ten pounds weight of ſtarch, the ſame having been found lodged in my houſe, &c. and ſeized by virtue of a warrant, &c. alſo for fifty pounds for the ſame: And therefore I do hereby requeſt and require that ſuch your conviction may be forthwith ſent to the commiſſioners of appeals, or the major part of them, as well for the purpoſe of my having a copy thereof to inſtruct counſel by on ſuch my intended appeal, as alſo that Notice of the appeal.

my ſaid appeal may be regularly entered to ſuch conviction. Dated this ninth day of April 1789.

Yours, &c.
BENJAMIN HAWES.

WILLIAM LOWNDES, Eſquire.
STAMP BROOKSBANK, Eſquire.
The Hon. JOHN LUTTERELL OLMIUS.
And to the above-named Reſpondent.

To the honourable the commiſſioners of appeals for regulating his majeſty's duties of exciſe.

The humble petition of Benjamin Hawes, of Thames-ſtreet, in the city of London, blue-maker,

Sheweth,

Petition to lodge appeal.

That on or about the twelfth day of February 1789, Meſſrs. Lindus, Simpſon, and Felto, officers of exciſe, came to your petitioner's houſe and ſeized a ſack containing about three hundred and ten pounds weight of ſtarch powder returns which your petitioner underſtood they had ſeized for being lodged with intent to defraud his majeſty of the duties chargeable on ſtarch; that an information was exhibited before the honourable the commiſſioners of exciſe for the condemnation thereof, and alſo for a penalty of fifty pounds ſaid to be incurred by your petitioner, he being the perſon in whoſe poſſeſſion the ſtarch was found; that on the eighth day of April laſt the hearing came on before William Lowndes and Stamp Brookſbank eſquires, and the honourable John Lutterell Olmius, three of the honourable commiſſioners of exciſe, who condemned the ſeizure and convicted your petitioner in the penalty.

That your petitioner, conceiving himſelf aggrieved by ſuch conviction, is adviſed to appeal againſt the ſame.

Therefore your petitioner moſt humbly prays your honours will permit him to enter his appeal before you againſt ſuch conviction, and that your honours will appoint a day for hearing ſame.

And, &c.

BENJAMIN HAWES,
30th May 1789.

To the commiſſioners and governors of exciſe within the city of London, and alſo to Benjamin Hawes, of Lower Thames-ſtreet.

Order, appointing a day of hearing, &c.

You are hereby to take notice, that the commiſſioners of appeals in matters of exciſe have appointed the fifth day of November next, at twelve o'clock in the forenoon, at the dutchy court, Weſtminſter, the receipt ſide of the exchequer, to hear the appeal of the ſaid Benjamin Hawes from a judgment given againſt him by the ſaid commiſſioners and governors of exciſe on the eighth day of April laſt, whereby the ſaid Benjamin Hawes was convicted

convicted in the sum of fifty pounds, for concealing starch, &c. Dated at the office of appeals, as above-mentioned, the twenty-ninth day of October 1789.

By order of the commissioners of appeals,
RICHARD WALL, Register.

5th November 1789. It was contended, on the part of the crown, that as defendant's confession appeared on the record, no new evidence could be gone into; that if the commissioners had acted maliciously in recording this confession, they must be punished by a criminal process. The original affidavit, on which the search warrant was founded, being produced, and there appearing some trifling variance in the day, the commissioners reversed the judgment, and awarded the appellant ten pounds for his double costs.

Before the commissioners for appeals for regulating the duties of excise, &c.

Reversal of the judgment of condemnation and conviction of the commissioners of excise.

Be it remembered that heretofore, to wit, on the thirtieth day of May, in the year of Our Lord 1789, Benjamin Hawes in due time and manner appealed to the commissioners for appeals and regulating the duties of excise within the immediate limits of the chief office of excise in London, according to the form of the statutes in such case made and provided, from and against a certain sentence of condemnation and conviction of William Lowndes and Stamp Brookshank, esquires, and the honourable John Lutterell Olmius, commissioners and governors duly nominated, constituted, and appointed by his majesty for the receipt of the excise and duties upon starch, which said sentence of condemnation and conviction follows in these words, to wit: Chief Office in London for the Duties of Excise, &c. &c. Be it remembered that on, &c. (set out the record of condemnation and conviction): And the said Benjamin Hawes having given security to the said commissioners of appeal for all such fine, forfeiture, and penalty as upon the hearing and determination of the said information had been adjudged against him, according to the form of the statute in such case made and provided; the said appeal came on to be heard the fifth day of November in the year aforesaid, before George Chad, Daniel Bull, and John Cowslade, esquires, being the major part of the said last-mentioned commissioners then duly assembled to hear and determine the same in the duchy chamber at Westminster Hall, in the county of Middlesex, and within the limits of the said chief office of excise, whereupon we the said Daniel Bull, George Chad, and John Cowslade, having been attended by and heard the allegations of counsel respecting the said appeal, as well for the said Benjamin Hawes the appellant as for his said majesty, and the said John Scott the respondent and party originally prosecuting the said information, and having examined into and duly weighed and considered the merits of the said appeal, do hereby adjudge and determine that the original judgment of the said commissioners and governors of excise shall be, and the same is hereby reversed and made null; and we do hereby further

further adjudge and determine that the ſaid ſtarch, together with the boxes and things wherein the ſame was contained and ſo condemned as aforeſaid, ſhall be reſtored and delivered back to the ſaid Benjamin Hawes; and that the ſaid John Scott, the party originally proſecuting the ſaid information, ſhall and do pay to the ſaid Benjamin Hawes the ſum of ten pounds of lawful money of Great Britain, as and for his double coſts in the premiſes, according to the form of the ſtatute in ſuch caſe made and provided. In witneſs whereof we have hereunto ſet our hand and ſeals, at the dutchy chamber aforeſaid, this fifth day of November, in the year of Our Lord 1789.

GEORGE CHAD. (L. S.)
DANIEL BULL. (L. S.)
JOHN COWSLADE. (L. S.)

Certificate of judgment of reverſal.

We George Chad, Daniel Bull, and John Cowſlade, being the major part of the commiſſioners for appeals and regulating the duties of exciſe within the immediate limits of the chief office of exciſe in London, do hereby certify and make known to whom it may concern, that in purſuance of the powers and authorities veſted in us by the ſeveral acts of parliament in that caſe made and provided, we have this day reverſed and made null a certain ſentence of condemnation and conviction of William Lowndes and Stamp Brookſbank, eſquires, and the honourable John Lutterell Olmius, commiſſioners and governors duly nominated, conſtituted, and appointed by his majeſty for the receipt of the exciſe and duties upon ſtarch, bearing date at the chief office of exciſe in London, the eighth day of April, in the year of Our Lord 1790, whereby the ſaid laſt-mentioned commiſſioners and governors of exciſe did convict one Benjamin Hawes of a certain offence by him ſuppoſed to have been committed, in having a large quantity, that is to ſay, three hundred and ten pounds weight of ſtarch lodged in a certain room and place in the houſe of him the ſaid Benjamin Hawes, ſituate in Lower Thames-ſtreet, in the city of London, with an intent to defraud his majeſty of the duties thereon; in which ſuppoſed offence the ſaid laſt-mentioned commiſſioners and governors of exciſe did adjudge that the ſaid three hundred and ten pounds weight of ſtarch, together with the boxes and things wherein the ſame was contained, had been and were forfeited; and did further adjudge that the ſaid Benjamin Hawes had alſo for his ſaid ſuppoſed offence forfeited and did forfeit the ſum of fifty pounds of lawful money of Great Britain, and that we the ſaid commiſſioners of appeal have in conſequence adjudged and determined that the ſaid ſtarch, together with the boxes and things aforeſaid ſhall be reſtored and delivered back to the ſaid Benjamin Hawes; and that John Scott, the party originally proſecuting in that behalf, ſhall and do pay the ſaid B. H. the ſum of ten pounds of lawful money as and for his double coſts in the premiſes, according to the form of the ſtatute in ſuch caſe made and provided. Given under our hands, at the dutchy

lutchy chamber aforesaid, this fifth day of November, in the year of Our Lord 1789.

GEORGE CHAD. (L. S.)
JOHN COWSLADE. (L. S.)
DANIEL BULL. (L. S.)

(a) PLEAS before the barons of the exchequer, at Westminster, among the pleas of Michaelmas term, in the thirtieth year of the reign of our sovereign lord George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth.

Issue in the exchequer of pleas on a declaration for seizing and taking away a quantity of starch powder, and keeping and detaining same, and for converting and disposing thereof.

London, to wit. Benjamin Hawes, debtor to his present majesty, comes before the barons of this exchequer on the sixth day of November in the same term, by John Miller his attorney, and complains by bill against Richard Lindus, Machin Simpson, and Francis Felto, present here in court the same day in a plea of trespass, that the said Richard, Machin, and Francis, on the fourth day of April, in the year of Our Lord 1789, at London aforesaid, to wit, in the parish of Saint Mary-le-bow, in the ward of Cheap, with force and arms, &c. seized, took, and carried away the goods and chattels, to wit, five hundred pounds weight of starch, five hundred pounds weight of starch powder, and five hundred pounds weight of starch powder returns of the said Benjamin of a large value, to wit, of the value of five hundred pounds of lawful money of Great Britain, there then found and being, and kept and detained the same, and caused and procured the same to be kept and detained for a long space of time, to wit, from thenceforth hitherto, whereby the said Benjamin hath been for and during all that time hindered and prevented from selling and disposing of the said goods and chattels, and hath wholly lost and been deprived of all profit, benefit, and advantage that would have arisen and accrued to him from such sale, and hath been also thereby otherwise greatly injured and damnified in his trade and business of a blue and hair powder maker, to wit, at London aforesaid, in the parish and ward aforesaid: And also that the said Richard, Machin, and Francis on the same day and year aforesaid, at London aforesaid, in the parish and ward aforesaid, with force and arms, &c. seized, took, and carried away other the goods and chattels, to wit, five hundred pounds weight of starch, five hundred pounds weight of starch powder, and five hundred pounds weight of starch powder returns of the said Benjamin Hawes, of a large value, to wit, of the value of five hundred pounds of like lawful money, there then found and being, and converted and disposed thereof to their own use, and other wrongs to the said Benjamin then and there did, to the great damage of him the said Benjamin, and against the peace of our said lord the now king; wherefore the said Ben- 2d Count.

(a) An action being brought against the officer, I have added the *civil* proceedings in the exchequer.

jamin

jamin faith that he is injured, and hath sustained damage to the value of five hundred pounds; whereby he is the less able to satisfy his said majesty the debts which he owes him at his said exchequer, and thereof he brings his suit, &c.

Pledges to prosecute. { JOHN DOE and RICHARD ROE.

Plea, General issue.

And the said Richard, Machin, and Simpson, by Abel Jenkins their attorney, come and defend the force and injury when, &c. and they say they are not guilty of the premises above laid to their charge in manner and form as the said Benjamin hath above thereof complained against them; and of this they put themselves upon the country, &c. and the said Benjamin doth the like, &c.

Replication.

Michaelmas term, 30. Geo. III.

Rule of court for paying money in discharge of this suit.

HAWES *against* LINDUS AND OTHERS. } Saturday the twenty-first day of November, upon the motion of Mr. Short, counsel for the defendants, it is ordered that the said defendants shall pay to the plaintiff or his attorney the sum of ten pounds, together with the costs, to be taxed by the deputy clerk of the pleas, if the plaintiff will accept thereof in full discharge of this suit, and that thereupon all further proceedings in this action shall be stayed; but if the plaintiff will not accept thereof in full discharge of this suit, then the defendants shall immediately bring the said sum of ten pounds into this court, and the said sum of ten pounds shall be considered as struck off the declaration, and be paid out of court to the plaintiff or his attorney; and upon the trial of the issue between the said parties, the plaintiff shall be permitted to take a verdict for so much only as he shall be able to prove beyond the said sum of ten pounds; the defendants in this action being officers of excise, and being sued in this action for an act done by them in the execution of and by reason of their said office as such officers as aforesaid.

By the court,

ROSE.

Received ten pounds into court, pursuant to the above rule. } THO. WATSON.

Bond for the due exportation of foreign wines.

KNOW ALL MEN by these presents, that we William Allison, of Crutched Friars, merchant, John Peppercorne, of Mile End, gentleman, and Thomas Dennis, of Crutched Friars, merchant, are held and firmly bound *unto our sovereign lord George the Third*, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, in the sum of *forty*

forty pounds (*a*) of good and lawful money of Great Britain, to be paid to our ſaid lord the king, his heirs or ſucceſſors, to which payment, well and truly to be made, we bind ourſelves and every of us jointly and ſeverally, for and in the whole our heirs, executors, and adminiſtrators, and every of them, firmly by theſe preſents, ſealed with our ſeals, dated the tenth day of March in the twenty-eighth year of the reign of his ſaid majeſty, and in the year of Our Lord 1788.

Whereas the above bounden William Alliſon hath entered for exportation the under-mentioned quantities of foreign wines, contained in eight caſks on board the ſhip or veſſel called the Ark, Noah Squires, maſter, for Halifax; now the condition of this obligation is ſuch, that if the ſaid wines and every part thereof 26. G. 3. c. 59.
ſhall be really and truly exported to and landed at Halifax aforeſaid, ſ. 48.
and if the ſame ſhall not be exported or carried to any other place or country whatſoever, or be unſhipped, unladed, or laid on land, or put on board any other ſhip, veſſel, or boat in Great Britain (ſhipwreck or other unavoidable accident excepted), and if a cer- Sec. 49.
tificate ſhall be brought in diſcharge hereof within eighteen months from the date hereof, ſigned by the proper officer or officers of his majeſty's cuſtoms at Halifax aforeſaid, if any ſuch officer or officers ſhall be there reſident, importing that the ſaid wine has been there landed, teſtifying the landing thereof, or by the Britiſh conſul or other perſon acting as ſuch, if no officer of his majeſty's cuſtoms ſhall be there reſident, importing and teſtifying as aforeſaid, or under the common ſeal of the chief magiſtrate there, or under the hands and ſeals of two known Britiſh merchants then being there, if no officer of the cuſtoms or Britiſh conſul or other perſon acting as ſuch ſhall be there reſident, or if proof ſhall be made to the commiſſioners of exciſe or the major part of them for the time being, according to the form of the ſtatute in that caſe made and provided, of ſuch wine being taken by enemies, or periſhing in the ſeas or by fire, or being ſpent and conſumed on board the ſaid ſhip or veſſel during the voyage, then this objection to be void, or elſe to be and remain in full force.

W. A. (L. S.)
J. P. (L. S.)
T. D. (L. S.)

Signed, ſealed, and delivered (being firſt duly ſtampt) in the preſence of A. B.

Two hundred and twenty-two gallons of Portugal white wine.

(*a*) In treble the amount of all the duties intended to be drawn back on ſuch exportation of ſuch wine. 26 G. 3. c. 59. ſ. 48. The bond to be taken in his majeſty's name, ſ. 48.

Michaelmas

Michaelmas Term, 26. Geo. III.

Information against a maltster for presuming to make and manufacture malt without licence.

MIDDLESEX, to wit. Be it remembered that Richard Pepper Arden, esquire, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the seventh day of November in this same term in his proper person, doth on the behalf of his said majesty give the court here to understand and be informed that one John Mills, after the tenth day of September 1784, and between that day and the day of exhibiting this information, that is to say, on the fourth day of February now last past, to wit, at Westminster, in the said county of Middlesex, did presume to make and manufacture malt for sale, and did then and there make and manufacture a large quantity, to wit, forty-six bushels of malt for sale, without first taking out a licence for that purpose in manner in the statute in that case made and provided mentioned, before the said John Mills so made and manufactured the said malt contrary to the form of the statute, whereby and by force of the said statute the said John Mills hath forfeited for his said offence the sum of ten pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said John Mills, being a maltster and maker of malt, and not being a compounder for the duties on malt by him made or to be made between the first day of January 1785 and the day of exhibiting this information, that is to say, on the fourth day of February now last past, at Westminster, in the county of Middlesex, did make use of one room for the making of malt without first giving notice thereof in writing at the next office of excise, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said John Mills hath forfeited for his said offence the further sum of fifty pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said John Mills, being a maltster and maker of malt as last aforesaid, and not being a compounder as aforesaid, between the first day of January, in the said year of Our Lord 1785, and the day of exhibiting this information, that is to say, on the said fourth day of February now last past, at Westminster, in the said county of Middlesex, did make use of one other room for the keeping of corn, to wit, barley making into malt, without first giving notice thereof in writing to the next office of excise, contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute the said John Mills hath forfeited for his said last-mentioned offence the further sum of fifty pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said John Mills, being a maltster and maker of malt as last aforesaid, between the first day of January, in the said year of Our Lord 1785 and the

24. G. 3. c. 41. s. 6.

2d Count, for using a room for making malt without giving notice in writing to the next officer of excise.

12. An. c. 2. s. 36.

3d Count, for keeping and using another room for the keeping of corn.

12. An. c. 2. s. 36.

4th Count, for fraudulently hiding and concealing a quantity of malt from the sight and view of the gauger appointed to take an account of the same.

day of exhibiting this information, that is to ſay, on the ſaid fourth day of February now laſt paſt, at Weſtminſter aforeſaid, in the ſaid county of Middleſex, did fraudulently hide and conceal a great quantity of his malt, that is to ſay, forty-ſix buſhels of his malt *from the ſight* and view of the gauger and gaugers appointed to take an account of the ſame, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid John Mills hath forfeited for every buſhel of the ſaid laſt-mentioned malt, ſo hid and concealed as aforeſaid *from the ſight* and view of the gauger and gaugers, the ſum of ten ſhillings of like lawful money, amounting in the whole to a large ſum of money, to wit, the ſum of twenty-three pounds: Wherefore his majeſty's ſaid attorney general, on behalf of his ſaid majeſty, prays the conſideration of this court on the premiſes, and that the ſaid ſeveral ſums of money ſo forfeited by the ſaid John Mills may be adjudged to his ſaid majeſty; and that the ſaid John Mills may appear here in court to anſwer concerning the offences aforeſaid, and concerning the ſaid ſeveral ſums of money.

12. An. ſt. 1. c. 2. ſ. 35.

GEO. WOOD.

Againſt a maltſter and maker of malt for exportation, having given notice of his intention to make a ſteeping of malt, for mixing corn and grain entered to be made for exportation, with corn and grain made into malt for home conſumption.

THAT one Thomas Twynham, after the twenty-fourth day of June 1726, and before the day of exhibiting this information, to wit, on the twelfth day of December, in the year of Our Lord 1786, at Weſtminſter, in the ſaid county of Middleſex, was a maltſter and maker of malt for exportation; and the ſaid Thomas Twynham ſo being ſuch maltſter and maker of malt as aforeſaid; afterwards, to wit, on the ſaid twelfth day of December, in the ſaid year of our Lord 1786, at Weſtminſter aforeſaid, in the ſaid county, did then and there before he began to wet a certain ſteeping of corn or grain, conſiſting of a large quantity, to wit, fifty-two buſhels of corn and grain to be made into malt for exportation, give and leave notice in writing to and with the officer for the duties on malt for the diviſion and place where ſuch malt was to be made, of the quantity of corn and grain intended to be contained in ſuch ſteeping ſo by him intended to be made into malt for exportation to parts beyond the ſeas; yet the ſaid Thomas Twynham did not keep the ſaid corn and grain ſeparate and apart from other corn and grain made into malt for home conſumption, but on the contrary thereof, afterwards, to wit, on the 14th day of January, in the ſaid year of Our Lord 1787, at Weſtminſter aforeſaid, in the ſaid county, did mix, and there was then and there found mixed a large quantity, to wit, forty buſhels of the ſaid corn and grain contained in the ſaid ſteeping ſo entered to be made for exportation as aforeſaid, with a large quantity, to wit, five thouſand buſhels of corn and grain made into malt for home conſumption, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid Thomas Twynham hath forfeited the ſum of five ſhillings for every buſhel of grain contained in the ſaid ſteeping ſo entered to be

be made for exportation, so found mixed with corn and grain made into malt for home consumption, amounting to a large sum of money, to wit, the sum ten pounds.

GEO. WOOD.

This clause is very ambiguous; from the words one would suppose that it only extended to the case of mixing corn before it was malted with corn made into malt; and yet that construction would render the provision of no use, because the fact never can happen, for such a mixture would spoil both; and therefore I think the act must mean to reach the fraud in question. G. W.

Against a maltster, for treading, ramming, and otherwise forcing together corn in a couch steeped in order to the making into malt.

THAT one Timothy Lord, at the time of committing the offences hereinafter mentioned, was a maltster and maker of malt for sale, to wit, at Westminster, in the said county of Middlesex, and being such maltster and maker of malt as aforesaid did, between the twenty-third day of June 1784 and the twenty-fourth day of June 1785, and during the continuance of the duties on malt continued and granted to his present majesty by an act of parliament, made in the twenty fourth year of the reign of our sovereign lord the present king, intitled, "An Act for continuing "and granting to his Majesty certain Duties upon Malt, Mum, "Cyder, and Perry for the Service of the Year 1784," to wit, on the 19th day of October, in the year of Our Lord 1784, to wit, at Westminster aforesaid, in the said county, did tread, ram, and otherwise force together, in a certain couch of the said Timothy Lord, a large quantity, to wit, one hundred and six bushels of corn then and there steeped in order to the making into malt, contrary to the form of the statute in that case made and provided; whereby and by force of the said statutes, he the said Timothy Lord, being such maltster and maker of malt as aforesaid, hath for his said offence forfeited and lost the sum of two shillings and sixpence for every bushel of the said corn so trodden, rammed, and forced as aforesaid, amonting in the whole to a large sum of money, to wit, the sum of thirteen pounds five shillings: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Timothy Lord, being a maltster and maker of malt, and not a compounder for the duties on malt, after the twenty-third day of June 1784, and before the twenty-fourth day of June 1785, and during the continuance of the duties on malt continued and granted to his present majesty by an act of parliament, to wit, on the said twenty-ninth day of October, in the year of Our Lord 1784, at Westminster aforesaid, in the said county, did force together another large quantity, to wit, one hundred and six bushels of other corn and grain steeped in order to the making thereof into malt by the said Timothy Lord, in a certain couch of the said Timothy Lord, to prevent the rising and swelling thereof, contrary to the form of the statutes in that case made and provided, whereby and by force of the said statutes, he the said Timothy Lord, being such maltster and maker of malt as last

12. An. stat. 1. c. 2. s. 18.

2d Count, for forcing together corn in the couch steeped in order to be made into malt, to prevent the rising and swelling thereof.

24. G. 3. c. 1. s. 17. Annual malt act.

day of exhibiting this information, that is to ſay, on the ſaid fourth day of February now laſt paſt, at Weſtminſter aforeſaid, in the ſaid county of Middleſex, did fraudulently hide and conceal a great quantity of his malt, that is to ſay, forty-ſix buſhels of his malt *from the ſight* and view of the gauger and gaugers appointed to take an account of the ſame, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid laſt-mentioned ſtatute the ſaid John Mills hath forfeited for every buſhel of the ſaid laſt-mentioned malt, ſo hid and concealed as aforeſaid *from the ſight* and view of the gauger and gaugers, the ſum of ten ſhillings of like lawful money, amounting in the whole to a large ſum of money, to wit, the ſum of twenty-three pounds: Wherefore his majeſty's ſaid attorney general, on behalf of his ſaid majeſty, prays the conſideration of this court on the premiſes, and that the ſaid ſeveral ſums of money ſo forfeited by the ſaid John Mills may be adjudged to his ſaid majeſty; and that the ſaid John Mills may appear here in court to anſwer concerning the offences aforeſaid, and concerning the ſaid ſeveral ſums of money.

12. An. ſt. 1. c. 2. ſ. 35.

GEO. WOOD.

Againſt a maltſter and maker of malt for exportation, having given notice of his intention to make a ſteeping of malt, for mixing corn and grain entered to be made for exportation, with corn and grain made into malt for home conſumption.

THAT one Thomas Twynham, after the twenty-fourth day of June 1726, and before the day of exhibiting this information, to wit, on the twelfth day of December, in the year of Our Lord 1786, at Weſtminſter, in the ſaid county of Middleſex, was a maltſter and maker of malt for exportation; and the ſaid Thomas Twynham ſo being ſuch maltſter and maker of malt as aforeſaid, afterwards, to wit, on the ſaid twelfth day of December, in the ſaid year of our Lord 1786, at Weſtminſter aforeſaid, in the ſaid county, did then and there before he began to wet a certain ſteeping of corn or grain, conſiſting of a large quantity, to wit, fifty-two buſhels of corn and grain to be made into malt for exportation, give and leave notice in writing to and with the officer for the duties on malt for the diviſion and place where ſuch malt was to be made, of the quantity of corn and grain intended to be contained in ſuch ſteeping ſo by him intended to be made into malt for exportation to parts beyond the ſeas; yet the ſaid Thomas Twynham did not keep the ſaid corn and grain ſeparate and apart from other corn and grain made into malt for home conſumption, but on the contrary thereof, afterwards, to wit, on the 14th day of January, in the ſaid year of Our Lord 1787, at Weſtminſter aforeſaid, in the ſaid county, did mix, and there was then and there found mixed a large quantity, to wit, forty buſhels of the ſaid corn and grain contained in the ſaid ſteeping ſo entered to be made for exportation as aforeſaid, with a large quantity, to wit, five thouſand buſhels of corn and grain made into malt for home conſumption, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid Thomas Twynham hath forfeited the ſum of five ſhillings for every buſhel of grain contained in the ſaid ſteeping ſo entered to be

2d Count, for removing from a *wetting place* instead of cistern.

And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said John Haskins being such maltster and maker of malt as aforesaid, after the twenty-fourth day of June 1763, and before the exhibiting of this information, to wit, on the said twenty-sixth day of April, in the said year of Our Lord 1786, at Westminster aforesaid, in the said county, did fraudulently convey away, and cause and procure, and permit and suffer to be conveyed away from the wetting place, part of a steeping of corn or grain making into malt, to wit, one hundred bushels of barley making into malt, and did mix such barley so conveyed away with and amongst a certain floor of other corn or grain making into malt, and which was then and there depending and in operation, and which had been gauged and charged with the duty in the couch, contrary to the form of the statute in such case made and provided, whereby and by force of the said statute, the said John Haskins being such maltster and maker of malt so offending as last aforesaid, hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds.

3. G. 3. c. 5. s. 22.

3d Count, for conveying from the cistern corn, so that no gauge could be taken of it in the couch.

And the said attorney general who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that the said John Hawkins being a maltster and maker of malt, after the said 24th day of June 1763, and before the exhibiting of this information, to wit, on the said twenty-sixth day of April, in the said year of Our Lord 1786, to wit, at Westminster in the said county of Middlesex, did fraudulently convey away, and cause and procure, and permit and suffer to be conveyed away from a cistern of him then and there used as such maltster and maker of malt as aforesaid, for the wetting and steeping of corn and grain making into malt, part of a steeping of corn and grain making into malt, to wit, one hundred bushels of barley making into malt, so that no gauge of such corn or grain so conveyed away could be taken in the couch by the officer of the duties upon malt, as by law there ought to have been, contrary to the form of the statute in such case made and provided; whereby and by force of the statute in that case made and provided, the said John Haskins so being such maltster and maker of malt so offending as last aforesaid, hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds: And the said attorney general who prosecutes as aforesaid doth on the behalf of his said majesty further give the court here to understand and be informed, that the said John Haskins, after the said twenty-fourth day of June 1763, to wit, on the said twenty-sixth day of April, in the said year of Our Lord 1786, then being a maltster and maker of malt for home consumption (not being a compounder for the duties on malt), whose malthouse was situate in a market town, to wit, at Newbury, in the county of Berks, did begin to wet corn and grain to be made into malt in a certain cistern by him and for that purpose in his said malthouse; yet the said John Haskins so being such maltster

3. G. 3. c. 1. s. 22.

4th Count, for wetting without a declaration.

and maker of malt, and not then being a compounder for the duties on malt as aforesaid, did not at least twenty-four hours before he began to wet the said last-mentioned corn and grain to be made into malt, give or cause to be given to the office of excise under whose survey the said John Haskins as such maltster and maker of malt then was, a notice in writing of the particular hour or time of the day when the said John Haskins intended to wet the said last-mentioned corn or grain to be made into malt, according to the form of the statute in that case made and provided, but neglected and refused to give such notice, contrary to the form of the said statute; whereby and by force of the said statute, the said John Haskins being such maltster and maker of malt so offending as last aforesaid, hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that the said John Haskins, after the said twenty-fourth day of June 1763, to wit, on the said twenty-sixth day of April 1786, then being a maltster and maker of malt for home consumption (not being a compounder for the duties on malt) whose malthouse was situate in a market town, to wit, at Newbury aforesaid, did begin to wet other corn and grain to be made into malt in a certain cistern by him used for that purpose in his said malthouse, having, twenty-four hours before he began to wet the said last-mentioned corn and grain to be made into malt, given or cause to be given to the officer of excise under whose survey the said John Haskins as such maltster and maker of malt then was, a notice in writing of the particular hour or time of the day when the said John Haskins intended to wet the said last-mentioned corn and grain to be made into malt, did proceed to cover the whole thereof with water, according to the form of the statute in that case made and provided, to wit, at Ratcliffe aforesaid; yet the said John Haskins so being such maltster and maker of malt, and not being a compounder for the duties on malt as aforesaid, having given such notice and begun to wet such last-mentioned corn and grain in pursuance thereof as aforesaid, and having proceeded to cover the whole thereof with water as aforesaid, did not continue the same so covered for the full space of forty hours from the time of its being first wet and covered, but neglected so to do, and on the contrary thereof then and there uncovered and carried away part thereof, to wit, one hundred bushels thereof within the said space of forty hours, to wit, at Westminster aforesaid, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, the said John Haskins being such maltster and maker of malt, and not being a compounder for the duties on malt, so offending as last aforesaid, hath for his said last mentioned offence forfeited and lost the further sum of one hundred pounds: And the said attorney general who prosecutes as aforesaid doth on behalf of his said majesty further give the court here to understand and be informed,

3. G. 3. c. 13. s. 1.

5th Count, for not continuing corn under water forty hours, having given notice of wetting and proceeded to cover same with water.

3. G. 3. c. 13. s. 1.

6th Count, same as the 1st, but on another day.

informed, that the ſaid John Haſkins being a maltſter and mak of malt after the ſaid twenty-fourth day of June 1763, and befo the exhibiting this information, to wit, on the twenty-ſeven day of April 1786 aforeſaid, to wit, at Weſtminſter aforeſai did fraudulently convey away, and cauſe and procure, and perm and ſuffer to be conveyed away from a ciſtern by him then a there uſed as ſuch maltſter and maker of malt as aforeſaid, for t wetting and ſteeping of corn and grain making into malt, part a ſteeping of corn and grain making into malt, to wit, o hundred buſhels of other barley making into malt, and did th and there mix ſuch laſt-mentioned barley ſo conveyed away, wi and amongſt a certain other floor of other corn and grain makin into malt, and which was then and there depending and in op ration, and which had been gauged and charged with duty in t

3. G. 3. c. 1. ſ. 22.

couch, contrary to the form of the ſtatute in ſuch caſe made a provided; whereby and by force of the ſtatute in that caſe ma and provided, the ſaid John Haſkins being ſuch maltſter and mak of malt ſo offending as laſt aforeſaid, hath for his ſaid laſt mentioned offence forfeited and loſt the further ſum of on hundred pounds. (Seventh count ſame as the ſixth, but for con

8th Count, ſame as the 3d, but on a different day.

veying away from a *wetting-place* inſtead of a *ciſtern*): And th ſaid attorney general who proſecutes as aforeſaid, doth on beha of his ſaid majeſty further give the court here to underſtand a be informed, that the ſaid John Haſkins ſo being ſuch maltſter a maker of malt as aforeſaid, after the ſaid twenty-fourth day of Jun 1763, to wit, on the ſaid twenty-ſeventh day of April 1786, wit, at Weſtminſter aforeſaid, did fraudulently convey away, a cauſe and procure, and permit and ſuffer to be conveyed aw from a ciſtern by him then and there uſed as ſuch maltſter or mak of malt as aforeſaid, for the wetting and ſteeping of corn and grai making into malt, part of a ſteeping of other corn or grain mak ing into malt, to wit, one hundred buſhels of other barley makin into malt, ſo that no gauge of ſuch laſt-mentioned corn or grai ſo conveyed away could be taken in the couch by the officer o the duties upon malt, as by the law there ought to have been,

3. G. 3. c. 1. ſ. 22.

contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute, the ſaid John Haſkins ſo being ſuch maltſter and maker of malt ſo offending as laſt aforeſaid, hath for his ſaid laſt-mentioned offence forfeited and loſt the further ſum of one hundred pounds.

GEO. WOOD.

Count againſt a maltſter for wetting corn and grain to be made into malt without giving forty-eight hours notice of his intention.

AND the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court to underſtand and be informed, that the ſaid defendant, after the twenty-fourth day of June 1763, to wit, on the ſeventeenth day of May 1780, then being a maltſter and maker of malt for home conſumption (not being a compounder of the duties on malt), whoſe malthouſe was not ſituate in any city or the ſuburbs thereof, or in any market town, did begin to wet corn and grain to be made

into

into malt in a certain ciſtern by him uſed for that purpoſe in his ſaid malthouſe, not being ſituate in any city or the ſuburbs thereof, or in any market town, to wit, at Ratcliffe aforeſaid, yet the ſaid defendant, ſo being ſuch maltſter and maker of malt as aforeſaid, did not at leaſt forty-eight hours before he began to wet the ſaid corn and grain to be made into malt, give or cauſe to be given to the officer of exciſe under whoſe ſurvey the ſaid defendant as ſuch maltſter and maker of malt then was, a notice in writing of the particular hour or time of the day when the ſaid defendant intended to wet the ſaid corn or grain to be made into malt, according to the form of the ſtatute in that caſe made and provided, but neglected and refuſed to give ſuch notice, contrary to the form of the ſaid ſtatute; whereby and by force of the ſaid ſtatute, the ſaid defendant being ſuch maltſter and maker of malt ſo offending as laſt aforeſaid, hath for his ſaid laſt-mentioned offence forfeited and loſt the further ſum of one hundred pounds. 3.G.3.c.13.ſ.1.

GEO. WOOD.

Againſt a maltſter and maker of malt for home conſumption, for adding, after the officer had taken an account of the corn and grain ſteeping in the ciſtern, freſh corn and grain to it.

AND the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid defendant being a maltſter and maker of malt for home conſumption (not being a compounder for the duties on malt), after the twenty-fourth day of June 1763, to wit, on the ſaid twenty-fifth day of May, in the ſaid year of Our Lord 1780, at Ratcliffe aforeſaid, after the proper officer of exciſe under whoſe ſurvey the ſaid defendant, as ſuch maltſter and maker of malt then was, had taken an account of certain corn and grain ſteeping in the ciſtern there uſed by the ſaid defendant for the wetting and ſteeping of corn and grain making into malt, did add certain freſh corn and grain, to wit, ſixteen buſhels of freſh barley to the corn and grain ſo ſteeping, contrary to the form of the ſtatute, &c. Penalty one hundred pounds. 3.G.3. c.13.ſ.1.

GEO. WOOD.

Againſt a maltſter for mixing corn of one wetting or ſteeping with corn of a former wetting or ſteeping, before the ſame was put on the kiln for drying.

AND the ſaid attorney general who proſecutes as aforeſaid, doth on the behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid John Routh being a maltſter and maker of malt, and not being a compounder for the duties on malt, he the ſaid John Routh, between the firſt day of January 1787 and the day of exhibiting this information, and during the continuance of the duties upon malt, to wit, on the ſeventeenth day of December, in the ſaid year of Our Lord 1787, to wit, at Weſtminſter aforeſaid, in the ſaid county of Middleſex, did mix and cauſe to be mixed a part, to wit, one hundred buſhels of his corn then and there making into malt of one wetting or ſteeping, with a part, to wit, one hundred buſhels of his other

corn then and there making into malt of a former wetting or steeping, the corn so mixed amounting in the whole to a large quantity, to wit, two hundred bushels, before the same was put on the kiln for drying, contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute, the said John Routh hath for his said last-mentioned offence forfeited and lost the sum of five shillings for every bushel of the said last-mentioned two hundred bushels of corn so mixed as aforesaid, amounting in the whole to a large sum of money, to wit, to the sum of fifty pounds.

2. G. 2. c. 1. f. 11.

That a person had in his custody a large quantity of malt for the use of a maltster, made in England and liable to the fixpenny duty; but the person did not within ten days give an account thereof at the office of excise within the limits where the person inhabited.

33. G. 2. c. 7. f. 6. 20. G. 3 c. 35. 2d Count, that having malt belonging to another liable to the fixpenny duty, defendant fraudulently concealed the same to prevent the charging the duty.

THAT William Brown, on the thirtieth day of May 1780, to wit, at Westminster, in the said county of Middlesex, had in his custody and possession, for the use, benefit, and account of William Dean, a maltster and maker of malt for sale, a large quantity, to wit, eight hundred bushels of malt made of barley, within that part of Great Britain called England, and chargeable by the statute in that case lately made and provided, with a certain rate or duty of sixpence a bushel, payable unto and for the use of his said majesty, and that the said William Brown did not on the same day and year aforesaid, or within ten days then next ensuing, give a true and particular account thereof in writing at the office of excise within the limits of which he the said William Brown then inhabited, but neglected so to do, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said William Brown hath for his said offence forfeited the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, further gives the court here to understand and be informed, that the said William Brown, on the said thirtieth day of May 1780, to wit, at Westminster, in the said county of Middlesex, had in his custody and possession for the use, benefit, and account of the said William Dean, a maltster and maker of malt as aforesaid, a large quantity, to wit, eight hundred bushels of malt made of barley within that part of Great Britain called England, and chargeable by the said statute in that case lately made and provided with a certain rate or duty of sixpence a bushel, payable unto and for the use of his said majesty; and that the said William Brown, on the same day and year aforesaid, at Westminster aforesaid, did fraudulently conceal and hide, and cause and suffer to be concealed and hid, the said malt and every part thereof, the said duties not having been charged, and with intent to prevent the charging thereof, contrary to the form of the statute in that case made and provided; whereby and by force of the statute the said William Brown hath for his said last-mentioned offence forfeited the further sum of twenty pounds.

33. G. 2. c. 7. f. 6. 20. G. 3. c. 35.

GEO. WOOD

THAT

Against a maltster, for double duties on malt, incurred by his not paying the single duties in due time.

THAT between the twenty-fifth day of March which was in the year of Our Lord 1782, and the eleventh day of May then next following, Thomas Keys, who, during all the time aforesaid was a maker of malt for sale, and not a compounder for the duties on malt by him made, did, in Great Britain, to wit, at Westminster, in the county of Middlesex, between the said twenty-fifth day of March and the said eleventh day of May in the said year of Our Lord 1782, so being such maker of malt for sale, and not a compounder for the duties on malt, make a large quantity of malt from barley, to wit, seven hundred and six bushels of malt from barley, which by the statutes in such case made and provided were and are chargeable and charged with several and respective rates and duties due and payable to his said majesty for and in respect of such malt so made, amounting in the whole to the sum of thirty-seven pounds one shilling and three-pence three farthings of lawful money of Great Britain; and that the said Thomas Keys, at any time or times within four months after he, according to the form of the statutes in such case made and provided, made or ought to have made an entry or entries of the said malt, the said rates and duties so by and from him the said Thomas Keys due as aforesaid, or any part thereof, to his said majesty or for his use, hath not paid or caused to be paid, as by the statutes in such case made and provided he ought to have done, but the said rates and duties and every part thereof to his said majesty or to his use to pay hath hitherto wholly omitted or neglected, contrary to the form of the said statutes in that case made; whereby and by force of the said statutes the said Thomas Keys hath forfeited double the sum of the said duty so neglected to be paid as aforesaid, amounting to the sum of seventy-two pounds two shillings and seven-pence halfpenny of like lawful money: And the said attorney general who prosecutes as aforesaid, further giveth the court here to understand and be informed, that the said Thomas Keys so being such maker of malt as aforesaid, and not a compounder for the duties on malt by him made, after he had made such default in payment of the said duties as aforesaid, to wit, on the first day of December, in the said year of Our Lord 1782, at Westminster aforesaid, in the county of Middlesex, did deliver and carry out the said seven hundred and six bushels of malt so made as aforesaid, without having paid or cleared off the said duties due and payable to his said majesty for and in respect of the same as aforesaid, contrary to the form of the statutes in that case made and provided; whereby and by force of the said statutes the said Thomas Keys hath forfeited double the value of the said seven hundred and six bushels of malt so carried and delivered out as aforesaid, amounting to a large sum of money, to wit, to the sum of three hundred pounds of like lawful money.

12. An. stat. 1. c. 2. s. 5.
1. G. 1. stat. 2. c. 2. s. 8.

2d Count, for delivering and carrying out a quantity of malt without having paid or cleared off the duties due and payable for the same.

12. An. stat. 1. c. 2. s. 6.

GEO. WOOD.

Against a maltster, for refusing to permit an officer of excise upon request to enter his malthouse to take an account of the corn in wet.

THAT on the first day of February, in the year of Our Lord 1775 and long before, one Thomas Higgs was, and ever since hath been, and now is a public maltster and maker of malt for sale, chargeable with the duties given and granted to his said majesty by the statute in that case made and provided, that is to say, at Ratcliffe, in the county of Middlesex, and the said Thomas Higgs being such public maltster and maker of malt for sale as aforesaid, one John Williams being an officer of excise, and for the duties granted to his said majesty for and upon malt by the statute in that case made and provided, on the fifth day of February, in the year of Our Lord 1775, to wit, at Ratcliffe aforesaid, in the county aforesaid, in the day time did request the said Thomas Higgs to permit him the said John Williams, so being such officer, to enter a malthouse of and belonging to the said Thomas Higgs, and made use of by him the said Thomas Higgs in and for the making of malt, to gauge, measure, and take an account of the just quantities of certain barley and other corn and grain then wetting and steeping, and which had been wetted and steeped in such malthouse, according to the form of the statute in that case made and provided; yet the said Thomas Higgs did not nor would upon such request permit the said John Williams to enter the said malthouse of the said Thomas Higgs for that purpose, but wholly refused to permit the said John Williams to enter the said malthouse for that purpose, contrary to the form of the statute in that case made and provided; by reason whereof, and by force of the said statute he the said Thomas Higgs hath forfeited for the said offence the sum of twenty pounds.

12 Ann. c. 2. 34.

GEO. WOOD.

In the King's Bench.

THE KING *against* DANIEL HARROLD AND JOHN LAMBERT. } JOHN ALLARD and Alexander Mac Bean, officers of his majesty's customs in the port of London, jointly and severally make oath and say, and first this deponent Alexander M'Bean for himself saith, that on the sixth day of May last, about ten o'clock in the evening, as he was in a six-oared galley, guarding the Manship East Indiaman at Deptford, in the county of Kent, in company with the said John Allard in a boat, there came off from the shore a great number of smugglers in different wherries and surrounded this deponent and his waterman that they could not row round the ship in the execution of their duty, and that the said Daniel Harrold was particularly active in the obstruction, and laid hold of the galley several times and threatened to cut this deponent down; the next morning about nine o'clock the said defendant and a great number of others came to the ship (this deponent being then in a boat, and the said John Allard in the galley), and surrounded this deponent with about twenty boats, that he could not get backward nor forward, and on his endeavouring

Affidavit to ground a judge's warrant to apprehend a person who had obstructed a revenue officer.

wouring to get near the ſhip the defendant Harrold attempted to knock him down with an oar; and during this obſtruction the defendant Lambert, being cloſe to the ſhip, called out to the other ſmugglers "are you ready?" when immediately two parcels were thrown out of the ſhip into his doble, which he rowed away: And this deponent, notwithſtanding the obſtructions by the defendant Harrold and the others unknown, hooked her, but the defendant Lambert puſhed him off, and with the aſſiſtance of the others prevented and obſtructed him from ſecuring it, and Lambert eſcaped with the parcels into Deptford: And this deponent John Allard for himſelf ſaith, that when the defendant Lambert returned from Deptford again, he this deponent and his waterman ſeized his doble for conveying the run goods, but Lambert ſwore it ſhould not be taken from him, and thirty or forty boats full of men came round and almoſt ſunk the galley this deponent was in, by forcibly heeling her till ſhe was half full of water, and by force and violence took and reſcued the doble and carried it into Deptford on their ſhoulders: And theſe deponents further ſay, that the defendants appeared to be the principal ringleaders and abettors in obſtructing them in the execution of their duty, and alſo in reſcuing the ſaid doble after ſeizure.

JOHN ALLARD.
ALEX. M'BEAN.

Sworn by both deponents at Guildhall, this eleventh day of July 1787, before

N. GROSE.

England, to wit. Whereas it appears unto me by the affidavit of John Allard and Alexander M'Bean, officers of his majeſty's cuſtoms in the port of London, that on the ſixth day of May laſt, John Lambert did aſſault and obſtruct the ſaid John Allard and Alexander M'Bean in the due execution of their ſaid office.

Judge's warrant on the above affidavit to apprehend Lambert.

Theſe are therefore to will and require, and in his majeſty's name ſtrictly to charge and command you and every one of you on ſight hereof, to apprehend and take the body of the ſaid John Lambert, and bring him before me or one other of the judges of his majeſty's court of king's bench, if taken in or near the cities of London or Weſtminſter, if elſewhere before ſome juſtice of the peace near to the place where he ſhall be herewith taken, to the end that the ſaid John Lambert may become bound with two ſufficient ſureties, that is to ſay, the ſaid John Lambert in the ſum of one hundred pounds, and the two ſureties in the ſum of fifty pounds each for the appearance of the ſaid John Lambert in his majeſty's court of king's bench, at Weſtminſter, on the firſt day of next Michaelmas term, to anſwer to all and ſingular indictments or informations againſt him for aſſaulting and obſtructing the ſaid John Allard and Alexander M'Bean, or either of them, in the

due execution of their office, or in case the said John Lambert shall refuse or neglect to become bound as aforesaid, that he may be committed to the common gaol of the county, city, or place where he shall be apprehended, by virtue hereof there to remain till he shall become bound as aforesaid, or shall be discharged by order of his majesty's court of king's bench, in term time, or by one of the judges of the said court in vacation: hereof fail not at your peril; given under my hand and seal the twenty-first day of July, in the year of Our Lord 1789.

N. GROSE. (L. S.)

To William Rogers, my tipstaff, of the court of king's bench, and all chief and petty constables, headboroughs, tythingmen, and all others it may concern.

Lambert being apprehended, and having entered into recognizance, but the recognizance being lost, the crown proceeded against him by common subpœna.

Subpœna against Lambert for the above obstruction.

George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, to John Lambert, greeting: We command you, firmly injoining you, that laying aside all excuses and pretences whatsoever, you personally be and appear before us at Westminster, on Friday next after the morrow of All Souls, to answer to us touching and concerning those things which shall then and there be objected against you on our behalf; and further to do and receive all and singular such matters and things as our court shall then and there consider of and concerning you in this behalf; and this you are not to omit, under the penalty of one hundred pounds, to be levied on your goods and chattels, lands and tenements if you shall make default in the premises: witness Lloyd lord Kenyon, at Westminster, the first day of July, in the twenty-ninth year of our reign.

By the court,

TEMPLER.

Sir Archibald Macdonald, knight, attorney general of our said lord the king, prosecutes this writ against the within named defendant upon an information exhibited against him by Richard Pepper Arden, esquire, late attorney general in the court of our said lord the king, before the king himself, for certain trespasses, contempts, assaults, and misdemeanors whereof he (with one other) is impeached.

Copy of order for special jury at the prosecutor's instance.

THE KING *against* WM. BADCOCK. } CORNWALL. Friday next, after the octave of the Purification of the Blessed Virgin Mary, in the thirtieth year of king George the Third, at the instance of the prosecutor in this cause, according

cording to the form of the statute in such case made and provided, it is ordered that the sheriff of the county of Cornwall do attend the coroner and attorney of this court with the freeholder's book of the said county, and that the said coroner and attorney in the presence of both parties shall nominate forty-eight free and lawful men out of the said book, and the agent, attorney, or solicitor for the prosecutor shall strike out twelve; and the agent, attorney, or solicitor for the defendant shall in like manner strike out twelve out of the said forty-eight; and that twenty-four, the remainder of the said forty-eight, shall be returned for the trial of the issue joined in this cause. 3. G. 2. c. 25. s. 15.

On the motion of Mr. LITCHFIELD,

By the court,

I appoint Monday, the eighth of March 1790, at twelve at noon.

JAMES TEMPLAR.

Writ of delivery under seizure of spirits.

GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. to our warehouse-keeper of excise in our county of Middlesex, and to William Jackson, greeting: Whereas you the said William Jackson have lately seized as forfeited to our use and your own several parcels of brandy, rum, and geneva, by an indenture of appraisement returned into our court of exchequer at Westminster, dated the twelfth day of November, in the twenty-eighth year of our reign, appraised at the sum of twenty-nine pounds fourteen shillings, the property whereof is claimed by Peter Good, who hath entered such his claim thereto in this court: Now for certain reasons the barons of our said exchequer thereunto moving, we command you, that immediately after the receipt of this our writ or notice thereof by you had, you or one of you do deliver, or cause to be delivered to the said Peter Good, or his assign in that behalf, the bearer of this our writ, the said brandy, rum, and geneva, and every part thereof, in pursuance of these presents: witness sir James Eyre, knight, the twenty-seventh day of February, in the thirtieth year of our reign. By order of the court and by the barons.

ELLIOT.

Hilary Term, 26. Geo. III.

Information for being concerned in the unshipping tea, brandy, geneva, &c. the customs and duties for the same not having been first paid.

MIDDLESEX, to wit. Be it remembered that Richard Pepper Arden, esquire, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the thirteenth day of February in this same term, in his proper person, doth on behalf of his said majesty give the court here to understand and be informed, that certain merchants whose names are as yet to the said attorney general unknown, did between the first day of January 1784, and the day of exhibiting this information,

mation, import and cause to be imported from parts beyond the seas into Great Britain, to wit, to Ratcliffe, in the county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels to the said attorney general likewise unknown, by the way of merchandize, five hundred and forty-six pounds weight of tea of the value of two hundred and seventy-three pounds, twelve gallons of foreign brandy, of the value of six pounds, and thirty-six gallons of foreign spirits called geneva, of the value of fourteen pounds eight shillings, in all amounting to the sum of two hundred and ninety-three pounds eight shillings of lawful money of Great Britain of their own proper goods and merchandize; the said tea, brandy, and foreign spirits called geneva being at the time of the importation thereof liable to the payment of customs and other duties to his said majesty; and that the said merchants unknown did afterwards, to wit, within the time aforesaid, at Ratcliffe aforesaid, in the said county of Middlesex, within the port of London aforesaid, unship with intention to be laid on land the said goods and merchandize, and every part thereof out of the said ship or vessel, or ships or vessels, before the customs and other duties due to his said majesty for the same goods were first paid or secured, contrary to the form of the statute in that behalf made and provided, by reason whereof the same goods became and are forfeited; and that the said defendants at the time of the unshipping the said tea, brandy, and foreign spirits called geneva as aforesaid, were assisting and otherwise concerned in the said unshipping of the said tea, brandy, and foreign spirits called geneva, out of the said ship or vessels, or vessel or vessels, to wit, at Ratcliffe aforesaid, in the said county, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said defendant hath forfeited the sum of eight hundred and eighty pounds four shillings, being treble the value of the said tea, brandy, and foreign spirits called geneva so unshipped as aforesaid: And the said attorney general who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that certain merchants whose names are as yet to the said attorney general unknown, did between the first day of January 1784, and the day of exhibiting this information, import and cause to be imported from parts beyond the seas into Great Britain, to wit, to Ratcliffe, in the said county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels to the said attorney general likewise unknown, by way of merchandize, five hundred and forty-six pounds weight of tea of the value of other two hundred and seventy-three pounds, twelve gallons of foreign brandy, of the value of other six pounds, and thirty-six gallons of other foreign spirits called geneva, of the value of other fourteen pounds eight shillings, in all amounting to the sum of two hundred and ninety-three pounds eight shillings of lawful money of Great Britain of their own proper goods and merchandize, the said last-mentioned tea, brandy, and foreign

8. Ann, c. 7. s. 17.

2d Count, for having tea, brandy, and geneva coming to hand, knowing they had been imported and unshipped before duties paid.

foreign ſpirits called geneva, being at the time of the importation thereof liable to the payment of cuſtoms and other duties to his ſaid majeſty; and that the ſaid merchants unknown did afterwards, to wit, within the time laſt aforeſaid, at Ratcliffe aforeſaid, in the ſaid county of Middleſex, within the port of London aforeſaid, unſhip with intention to be laid on land the ſaid laſt-mentioned tea, brandy, and foreign ſpirits called geneva, and every part thereof out of the ſaid ſhip or veſſel, or ſhips or veſſels, before the cuſtoms and other duties due to his ſaid majeſty for the ſame tea, brandy, and foreign ſpirits called geneva, or any of them were firſt paid or ſecured, contrary to the form of the ſtatute in that behalf made and provided; by reaſon whereof the ſaid laſt mentioned tea, brandy, and foreign ſpirits called geneva became and were forfeited; and being ſo forfeited, the ſaid tea, brandy, and foreign ſpirits called geneva, and every part thereof, after the unſhipping thereof as aforeſaid, to wit, within the time aforeſaid, at Ratcliffe aforeſaid, in the ſaid county of Middleſex, within the port of London aforeſaid, came to the hands and poſſeſſion of the ſaid defendant, he the ſaid defendant at the time when the ſaid laſt-mentioned tea, brandy, and foreign ſpirits called geneva, ſo came to his hands and poſſeſſion, well knowing that the ſaid tea, brandy, and foreign ſpirits called geneva, and every part thereof, were imported into Great Britain, and unſhipped to be laid on land as aforeſaid, the cuſtoms and duties due to his ſaid majeſty for the ſame not being firſt paid or ſecured, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid defendant hath forfeited the ſum of eight hundred and eighty pounds four ſhillings, being treble the value of the ſaid laſt-mentioned tea, brandy, and foreign ſpirits called geneva: Wherefore his majeſty's ſaid attorney general on behalf of his ſaid majeſty prayeth the conſideration of this court in the premiſes, and that he the ſaid defendant may for the offences aforeſaid forfeit the ſaid ſeveral ſums of money, and that he may appear here in court to anſwer concerning the offences aforeſaid, and concerning the ſaid ſeveral ſums of money.

8. Ann, c. 17. ſ. 7.

G. Wood.

AND the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that certain merchants whoſe names are as yet to the ſaid attorney general unknown, did between the firſt day of January 1785, and the day of exhibiting this information, import and cauſe to be imported from parts beyond the ſeas into Great Britain, to wit, to Ratcliffe, in the ſaid county of Middleſex, within the port of London, in a certain ſhip or veſſel, or certain ſhips or veſſels to the ſaid attorney general unknown, by way of merchandize, ſixty-ſeven gallons of foreign brandy of the value of thirty-three pounds ten ſhillings, the ſaid brandy being at the time of the ſaid importation thereof liable to the

Count for harbouring, keeping, and concealing foreign brandy knowing that the ſame were run goods.

the payment of duties of customs and excise, and other duties to his said majesty; and that the said merchants unknown did afterwards, to wit, within the time aforesaid, at Ratcliffe aforesaid, in the said county, within the port of London aforesaid, unship to be laid on land, and did run on land, within Great Britain, the said brandy before the said duties of customs or excise due to his said majesty for the same were first paid or secured, contrary to the form of the statute in that case made and provided; by reason whereof the said brandy became and was forfeited, and being so forfeited, the said defendant, within the time aforesaid, to wit, on the seventeenth day of January 1786, at Ratcliffe aforesaid, in the said county of Middlesex, within the port of London aforesaid, did *knowingly* harbour, keep, and conceal, and did knowingly permit and suffer to be harboured, kept, and concealed the said brandy and every part thereof; he the said defendant at the time when he so harboured, kept, and concealed, and so permitted and suffered to be harboured, kept, and concealed the said brandy, well knowing that the said brandy, and every part thereof was run goods, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said defendant hath for his said offence forfeited one hundred pounds ten shillings, the treble value of the said brandy.

1. G. 1. c. 30. s. 16.

The court of excise have established three distinctions, viz. 1st, that where the goods are found in the house of the party, the *knowledge* shall be presumed; 2d, that if they are found in his grounds, some direct evidence of his knowledge must be given; and 3d, that if they are found in an outhouse belonging to him the presumption shall not arise, unless it be shewn that he himself kept the key. Rex v. Frances. Cited in Doug. Rep.

For having on board a ship, coming from foreign parts, more than one hundred gallons of spirituous liquors over and above two gallons per man, then belonging to the ship, and being in casks under sixty gallons.

THAT one James Santecruse being one of his majesty's officers of excise, after the first day of August 1779, and before the day of exhibiting this information, to wit, on the twenty-third, twenty-fifth, twenty-sixth, and twenty-seventh days of July, in the year of Our Lord 1785, to wit, at Ratcliffe, in the said county of Middlesex, within the port of London, did discover and find on board a certain ship or vessel then and there coming and arriving from foreign parts within the limits of a port of this kingdom, to wit, from the island of Saint Christopher's, in the West-Indies, more than one hundred gallons of foreign spirituous liquors, to wit, one hundred and nineteen gallons of rum over and above the quantity of two gallous for every seamen then or at any of those times belonging to and on board the said ship or vessel, the same spirituous liquors then and there being in casks under sixty gallons; and that one John Clarke then and there was the master of the said ship or vessel, having and taking the charge of the said ship or vessel, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute he the said John Clarke hath forfeited and lost for his said offence the sum of three hundred pounds.

19. G. 3. c. 69. s. 7.

Easter

Easter Term, 26. Geo. III.

MIDDLESEX, to wit. Be it remembered that Richard Pepper Arden, esquire, his majesty's attorney general, who prosecutes for his said majesty in this behalf, cometh before the barons of this exchequer the third day of May in this same term in his proper person, and giveth the court here to understand and be informed, that one John Durant being one of the officers of excise, between the first day of September last past, and the day of exhibiting of this information, to wit, on the eleventh day of February last past, at Ratcliffe, in the said county of Middlesex, did seize and take to the use of his said majesty as forfeited, a large quantity, to wit, three hundred and forty gallons of foreign brandy; for that he the said John Durant so being such officer as aforesaid, between the times aforesaid, to wit, on the said eleventh day of February, at Ratcliffe aforesaid, in the said county, did discover and find an increase of a large quantity, to wit, three hundred and forty gallons of foreign brandy in the stock of one John Dunkin, he the said John Dunkin then and there being a dealer in and seller of foreign brandy and other spirituous liquors, under the survey of the officer of excise and inland duties, over and above the quantity of foreign brandy which the officer of excise found in the said John Dunkin's custody at the time of the last preceding survey upon the said John Dunkin so being such dealer in and seller of foreign brandy and other spirituous liquors as aforesaid, such increase then and there having been made by a commodity for which no duty had been paid, and which had been privately brought in by the said John Dunkin, so being such dealer in and seller of foreign brandy and other spirituous liquors as aforesaid, without permit or certificates, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute in that case made and provided, so much of the said stock of foreign brandy as was found so increased as aforesaid became forfeited and lost; whereby and by force of the said statute in that case made and provided, the said foreign brandy so seized and taken as aforesaid, being a quantity equal to the increased quantity, was seized and taken by the said officer of excise who discovered the same from and out of the said stock then in the possession of the said John Dunkin where the said increase was found: And also for that the said foreign brandy, the same being goods and merchandize for which duties of excise were then due and payable to his said ma-majesty were brought and imported in a certain ship or vessel, or certain ships or vessels by certain persons to the said attorney general unknown, from parts beyond the seas into Great Britain, to wit, at Ratcliffe aforesaid, in the said county, by way of merchandize, and there landed and put on shore out of such ship or vessel, or ships or vessels, before the duty of excise due and payable to his said majesty for the same was fully satisfied and paid, contrary to the form of the statute in that case made and provided; whereby

Information for the condemnation of foreign brandy, for that the same being an increase in the stock of a dealer in brandy over and above the quantity found in his custody at the time of the last preceding survey.

21. G. 3. c. 55. s. 29.

2d Count, for that the same was imported into Great Britain before the duties of excise due and payable for the same was satisfied and paid.

15. Car. 2. c. 11. s. 17.

3d Count, for that the same was found carried from one part of this kingdom to another without permit.

whereby the said brandy became forfeited and lost: And also for that the said foreign brandy, being a quantity of one gallon, that is to say, three hundred and forty gallons, was, within the time aforesaid, to wit, on the said eleventh day of February instant, at Ratcliffe aforesaid, in the said county, removed and carried by certain persons to the said attorney general at present unknown, from one part of this kingdom to another, without any permit or certificate first had and obtained from some or one of the officers of his majesty's customs of excise, signifying and certifying the quality and quantity thereof; and that his majesty's duties chargeable thereon had been duly paid and satisfied, or that the same had been condemned as forfeited, or was part of the stock of some importer, distiller, maker, or seller of or dealer in brandy, arrack, rum, spirits, or strong waters of which an account had been taken, pursuant to the act of parliament in that case made and provided, contrary to the form of the statute in that case made and provided, by reason whereof the said brandy became forfeited: And also for that the said foreign brandy was brought into a certain cellar made use of by the said John Dunkin for the keeping of foreign brandy, he the said John Dunkin then and there being a dealer in foreign brandy, without notice being first given thereof to the officer of excise of the division or place in which such cellar in which such foreign brandy was intended to be lodged was situated, and with an authentic certificate being first produced to the said officer, and left with him, signifying and certifying that the duties charged or chargeable upon such brandy so intended to be brought in as aforesaid had been actually paid, or that the same had been condemned as forfeited, or was part of the stock of some importer, distiller, maker, or seller of or dealer in brandy, arrack, rum, spirits, or strong waters of which an account had been taken, pursuant to the act of parliament in that case made and provided, and expressing the quantity and quality thereof, and at what port or place the said duties were paid, or the spirits condemned as aforesaid, of whose stock the same was part, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said foreign brandy became and is forfeited: Wherefore, &c.

6. G. 1. c. 21. s. 17.

4th Count, for that the same was brought into a cellar made use of by a dealer in spirits without notice to the officer of excise.

6. G. 1. c. 21. s. 13.

GEO. WOOD.

When an excise officer is informant it is supposed, if in vacation, that he exhibits his complaint before a baron on the very day that the writ for returning the seizure bears *teste*, and it is so accordingly stated; but when the attorney general exhibits an information for condemnation of a seizure (which he seldom does), it is stated in the information to be exhibited on the first day of the term subsequent to the *teste* of the writ (if in vacation), because the attorney general being an officer of the court cannot exhibit it but when in court.

Easter

Easter Term, 28. Geo. III.

MIDDLESEX, to wit. Be it remembered that William Jackson one of the officers of his majesty's revenues of excise, who prosecutes as well for his majesty as for himself in this behalf, present here in court the second day of May in this same term, in his own proper person doth, as well on behalf of his said majesty as of himself, further give the court here to understand and be informed, that he the said William Jackson after the first day of October 1784, and before the day of exhibiting this information, at Ratcliffe, in the county of Middlesex, within the port of London, did seize and arrest to the use of his said majesty and of himself as forfeited a certain vessel with her tackle and furniture of the goods of persons unknown; for that the said vessel being a vessel belonging in the whole or in part to his majesty's subjects, called a cutter, and not being square rigged or fitted as a sloop with a standing bowsprit, and not being such a vessel as is in that behalf excepted, was after the said first day of October 1784, to wit, on the twelfth day of April 1788, found within four leagues of the coast of this kingdom, to wit, at Ratcliffe aforesaid, in the said county, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said vessel with her guns, tackle, and furniture became forfeited: And also for that the said vessel, the same belonging in the whole or in part to his said majesty's subjects, and then and there being a vessel whose bottom was clench work, and not being square rigged or fitted as a sloop with a standing bowsprit, and not being such a vessel as is in the said act excepted, was after the first day of October 1784, to wit, on the twelfth of April, in the said year of Our Lord 1788, found within four leagues of the coast of this kingdom, to wit, at Ratcliffe aforesaid, in the said county, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said vessel with her tackle and furniture became forfeited: And also for that the said vessel, the same being a vessel which by an act of parliament, made and passed in the twenty-sixth year of the reign of his present majesty, intitled, "An Act for the further Increase and Encouragement of Shipping and Navigation," is directed to be thereafter registered, did depart from the port to which she belonged to clear outwards coastwise as a British ship or vessel, without being registered, and without the owner and owners of the said vessel having obtained a certificate, according to the form and in the manner described in and by such act, contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute the said vessel with the tackle and furniture to her belonging became forfeited: And also for that one James Sarmon on the said twelfth day of April 1788, to wit, at Ratcliffe aforesaid, in the said county, he the said James Sarmon then and there being an officer of excise, did go on board the

Information for the condemnation of a vessel, for that the same being a cutter and not square rigged or fitted as a sloop, with a standing bowsprit, was found within four leagues of the coast of this kingdom.

24. G. 3. c. 47. s. 4.

2d Count, for that the same being a vessel whose bottom was clench work, and not square rigged or fitted as a sloop with a standing bowsprit, was found within four leagues of the coast.

24. G. 3. c. 47. s. 4.

3d Count, for that the same being a vessel directed to be registered by the act in that case made, did clear out from the port to which she belonged without being registered and without certificate.

26. G. 3. c. 60.

26. G. 3. c. 60. s. 32.

4th Count, for that the master did not produce a licence for the ship on the request of an excise officer.

 said

said vessel, the same then and there being within four leagues of the coast of this kingdom, and the same vessel then and there being a vessel which by an act of parliament, made and passed in the twenty-fourth year of the reign of his present majesty, intitled "An Act for the more effectual Prevention of Smuggling "in this Kingdom," was and is required to be licensed as in such act mentioned: And the said James Sarmon did then and there require the master of the said vessel to produce such licence to him the said James Sarmon so being such officer as aforesaid, as by the statute in that case made and provided, such master is required to do, but the said master of the said vessel did not produce such licence to the said James Sarmon, so being such officer and requiring the same as aforesaid, as the statute in that behalf requires, but refused and failed so to do, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said vessel became and is forfeited: And also for that the said James Sarmon afterwards, to wit, on the said twelfth day of April 1788, to wit, at Ratcliffe, in the said county, he the said James Sarmon then and there being an officer of excise, did go on board the said vessel, the same then and there being within four leagues of the coast of this kingdom, and the same vessel then and there being a vessel which by an act of parliament, made in the twenty-seventh year of the reign of his present majesty, intitled "An Act for making further "Provisions in regard to such Vessels as are particularly de-"scribed in an Act made in the twenty-fourth Year of the "Reign of his present Majesty *for the more effectual Prevention* "*of Smuggling in this Kingdom*, and for extending the said Act "to other Vessels and Boats not particularly described therein, "for taking off the Duties on Flasks in which Wine or Oil is "imported, for laying on additional Duty on Foreign Geneva "imported, and for taking off the Duty on Ebony, the Growth "of Africa, imported into this Kingdom, and for amending "several Laws relative to the Revenue of Customs," was and is required to be licensed as in such act is made; and the said James Sarmon did then and there require the master of the said vessels to produce such licence to him the said James Sarmon, so being such officer as aforesaid, as by the statute in that case made and provided such master is required to do; but the said master of the said vessel did not produce such licence to the said James Sarmon, so being such officer and requiring the same as aforesaid, as the statute in that behalf requires, but refused and failed so to do, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said vessel became and is forfeited; wherefore the said William Jackson as well for his said majesty as for himself prayeth the consideration of this court in the premises, and that the said ship or vessel with her guns, furniture, ammunition, tackle, and apparel for the reason aforesaid remain forfeited.

24. G. 3. c. 47.

27. G 3. c. 32. s. 7.

5th Count, same as the 4th, but for not producing a licence required by another act of parliament.

c. 32.

c. 47.

27. G. 3. c. 32. s. 7.

G. Wood.

Michaelmas

Michaelmas Term, 26. Geo. III.

MIDDLESEX, to wit. Be it remembered that John Saunders, who prosecutes as well for his majesty as himself, cometh before the barons of this exchequer the seventeenth day of November in this same term, in his proper person, and as well for his said majesty as for himself gives the court here to understand and be informed, that the said John Saunders, between the first day of September last past and the day of exhibiting this information, to wit, on the eighteenth day of September last past, to wit, at Ratcliffe, in the county of Middlesex, within the port of London, did seize and arrest to the use of his said majesty and himself, as forfeited, a certain ship or vessel, with her guns, furniture, ammunition, tackle, and apparel of the goods and merchandizes of persons unknown; for that several parcels of foreign brandy, several parcels of rum, several parcels of foreign spirituous liquors called geneva, and several parcels of foreign spirituous liquors called shrub were within the time aforesaid imported and brought in the said ship or vessel by certain persons, to the said John Saunders at present unknown, into Great Britain, to wit, at Ratcliffe aforesaid, in the said county of Middlesex, within the port of London aforesaid, from a certain part of Europe, to wit, from the island of Guernsey, in vessels or casks, each of which vessels or casks contained less than sixty gallons at the least, and such brandy and spirituous liquors exceeding the quantity of two gallons for each seaman then belonging to and on board the said ship or vessel, contrary to the form of the statute in that case made and provided; whereby the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel became forfeited: And also for that the said ship or vessel was within the time aforesaid found at anchor within four leagues of the coast of this kingdom, not proceeding on her voyage, although the wind and weather permitted the same, and the said ship or vessel not being then compelled to be at anchor as aforesaid by unavoidable necessity or distress of weather, the said ship or vessel then and there having on board divers large quantities of brandy and other spirituous liquors, to wit, one thousand four hundred gallons of brandy, three hundred and twenty gallons of rum, three hundred and ninety gallons of geneva, and two gallons of shrub, in divers vessels or casks, each such vessel or cask not containing sixty gallons at the least, and such brandy and other spirituous liquors exceeding two gallons for each seaman then belonging to and on board such ship or vessel, contrary to the form of the statute in such case made and provided, by means whereof the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel became forfeited: And also for that the said ship or vessel was within the time aforesaid found hovering withing four leagues of the coast of this kingdom, and not proceeding on her voyage, although the wind and weather permitted the same, and the said ship or vessel, not being then compelled thereto by unavoidable necessity or distress of weather, the said

Information for the condemnation of a vessel, with her tackle, &c. for importing into Great Britain from a certain part of Europe several parcels of foreign spirituous liquors in casks containing less than sixty gallons, and exceeding two gallons *per* man.

19.G.3.c.69.s.1.

2d Count, for being found at anchor within four leagues of the coast, having such spirits on board.

24.G.3.c.47.s.1.

3d Count, for being found hovering within four leagues of the coast, having such spirits on board.

ſaid ſhip or veſſel then and there having on board divers large quantities of brandy and other ſpirituous liquors, to wit, one thouſand four hundred gallons of brandy, three hundred and twenty gallons of rum, three hundred and ninety gallons of geneva, and two gallons of ſhrub, in divers veſſels or caſks, each ſuch veſſel or caſk not containing ſixty gallons at the leaſt, and ſuch brandy and other ſpirituous liquors exceeding two gallons for each ſeaman then belonging to and on board ſuch ſhip or veſſel, contrary to the form of the ſtatute in that caſe made and provided, by means whereof the ſaid ſhip or veſſel, with her guns, furniture, ammunition, tackle, and apparel became forfeited; And alſo for that the ſaid ſhip or veſſel was within the time aforeſaid diſcovered to have been within four leagues of the coaſt of this kingdom, and not proceeding on her voyage, although the wind and weather permitted the ſame, and the ſaid ſhip or veſſel not being compelled thereto by unavoidable neceſſity or diſtreſs of weather, the ſaid ſhip or veſſel then and there having on board divers large quantities of brandy and other ſpirituous liquors, to wit, one thouſand four hundred gallons of brandy, three hundred and twenty gallons of rum, three hundred and ninety gallons of geneva, and two gallons of ſhrub, in divers veſſels or caſks, each ſuch veſſel or caſk not containing ſixty gallons at the leaſt, and ſuch brandy and other ſpirituous liquors exceeding two gallons for each ſeaman then belonging to and on board ſuch ſhip or veſſel, contrary to the form of the ſtatute in that caſe made and provided, by means whereof the ſaid ſhip or veſſel, with her guns, furniture, tackle, and apparel became forfeited: Wherefore the ſaid John Saunders, as well for his ſaid majeſty as for himſelf, prayeth the conſideration of this court in the premiſes, and that the ſaid ſhip or veſſel, with her guns, furniture, ammunition, tackle, and apparel may for the reaſons aforeſaid remain forfeited.

24.G.3.c.47.ſ.1.

4th Count, for being diſcovered to have been within four leagues, &c. &c.

24.G.3.c.47.ſ.1.

GEO. WOOD.

For importing ſpirits (not being rum or arrack) in caſks containing leſs than one hundred gallons, and exceeding two gallons *per* man on board, whereby the ſhip was forfeited.

AND alſo for that a large quantity of foreign ſpirituous liquors (not being rum or arrack), that is to ſay, one hundred gallons of brandy and eight hundred gallons of geneva were within the times aforeſaid imported and brought in the ſaid ſhip or veſſel, by certain perſons to the ſaid Thomas Cooper unknown, into Great Britain, to wit, to Ratcliffe, in the ſaid county, within the port of London aforeſaid, in veſſels or caſks, each of which veſſels or caſks contained leſs than one hundred gallons at the leaſt, and ſuch foreign ſpirituous liquors exceeding two gallons for each ſeaman then belonging to or on board the ſaid ſhip or veſſel, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid ſhip or veſſel, with her guns, furniture, ammunition, tackle, and apparel became forfeited.

26. G. 3. c. 73. ſ. 59.

2

GEO. WOOD.

AND

AND alſo for that a large quantity, to wit, twenty pounds weight of tea and twenty pounds weight of coffee, the ſame being goods and commodities of foreign growth, production, or manufacture, to wit, of the growth, production, or manufacture of Africa, Aſia, or America, were within the time aforeſaid ſhipped and brought in the ſaid ſhip or veſſel, by certain perſons to the ſaid Thomas Cooper at preſent unknown, from a certain place or country in parts beyond the ſeas into Great Britain, to wit, to Ratcliffe aforeſaid, in the ſaid county of Middleſex, within the port of London aforeſaid, the ſaid place or country in parts beyond the ſeas from whence the ſaid tea and coffee were ſo ſhipped and brought not being the place or country of the growth, production, or manufacture of the ſaid tea and coffee, nor the port where the ſaid tea or coffee can only or are uſually have been firſt ſhipped for tranſportation, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid ſhip or veſſel, with her guns, furniture, ammunition, tackle, and apparel became forfeited.

For the condemnation of a veſſel for importing tea and coffee from places not being the place or country of the growth of the ſame, nor the port where the ſaid tea or coffee are uſually firſt ſhipped for tranſportation.

12. Car. 2. c. 18. ſ. 4.

GEO. WOOD.

MIDDLESEX, to wit. Be it remembered that William Jackſon, who proſecutes as well for his majeſty as for himſelf, cometh before the barons of this exchequer the eighth day of Auguſt, in the twenty-ſeventh year of the reign of our ſovereign lord the king, in his proper perſon, and as well for his ſaid majeſty as for himſelf gives the court here to underſtand and be informed, that he the ſaid William Jackſon, between the firſt day of January 1786 and the day of exhibiting this information, to wit, on the fifteenth day of July, in the year of Our Lord 1787, to wit, at Ratcliffe, in the county of Middleſex, within the port of London, did ſeize and arreſt to the uſe of his ſaid majeſty and himſelf, as forfeited, a certain ſhip or veſſel, with her guns, furniture, ammunition, tackle, and apparel, of the goods and merchandize of perſons unknown (Counts for importing brandy and geneva in caſks leſs than one hundred gallons, hovering, &c.): And alſo for that after the twenty-ninth day of September 1763, and before the day of exhibiting this information, to wit, on the ſaid fifteenth day of July, in the year of Our Lord 1787, a large quantity of foreign goods, to wit, fifty gallons of foreign brandy and forty gallons of foreign ſpirituous liquors called geneva were by the ſaid ſhip or veſſel taken in at ſeas within the diſtance of four leagues from the coaſt of this kingdom, without payment of the cuſtoms and other duties due and payable for the ſame (there being no appearance, neceſſity, or lawful reaſon for ſo doing), contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid ſhip or veſſel, the ſame not exceeding the burthen of one hundred tons, became forfeited and loſt: Wherefore the ſaid William Jackſon, as well for his ſaid majeſty

For the condemnation of a veſſel for taking in ſpirits at ſea within the diſtance of four leagues, without payment of duties.

9. G. 2. c. 35 ſ. 23.

as for himself, prays the consideration of the court here in the premises, and that the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel may for the reasons aforesaid remain forfeited.

GEO. WOOD.

For the condemnation of a vessel and brandy, for that the brandy had been imported in the said vessel, the same being under the burthen of fifty tons, and the brandy exceeding two gallons *per* man.

THAT he the said John Lawrence being such officer as aforesaid, after the first day of June, in the year of Our Lord 1763, and before the day of exhibiting this information, to wit, on the seventh day of May, in the year of Our Lord 1782, to wit, at Ratcliffe, in the said county of Middlesex, within the port of London, did seize and arrest to the use of his said majesty, as forfeited, the ship or vessel called the Little Fortune, together with a great quantity, to wit, five hundred and twenty-four gallons of brandy, of the goods and merchandize of merchants unknown; for that the said foreign brandy had been since the said first day of June 1763, and before the day of exhibiting this information, to wit, on the said seventh day of May 1782, to wit, at Ratcliffe aforesaid, within the port of London aforesaid, imported and brought in the said ship or vessel called the Little Fortune, by certain persons to the said John Lawrence at present unknown, from parts beyond the seas into Great Britain, the said ship or vessel, at the time of the importation thereof then and there being under the burthen of fifty tons, and the said foreign brandy, or any part thereof, so brought and imported as aforesaid, not being for the use of the seamen then belonging to and on board such ship or vessel, or any of them, and exceeding also two gallons for every such seaman, contrary to the form of the statute in that case made and provided; whereby and by force of the statute in that case made and provided the said vessel, with all her tackle, furniture, and apparel, and also the said foreign brandy became forfeited.

3.G.3.c.22.s.5.

GEO. WOOD.

For the condemnation of rum and casks, for being imported without payment of duties.

THAT he the said John Saunders, between the first day of March last past, and the day of exhibiting this information, to wit, at Ratcliffe aforesaid, in the county of Middlesex, did seize and arrest to the use of his said majesty and himself, as forfeited, two hundred and sixty-seven gallons of foreign rum, and the casks containing the same, of the goods and merchandize of merchants unknown, for that the said rum being goods and merchandize for which the customs and other duties were then due and payable to his said majesty, were within the time aforesaid brought and imported in a certain ship or vessel, or certain ships or vessels, by certain persons to the said John Saunders at present unknown, from parts beyond the seas into Great Britain, to wit, to Ratcliffe aforesaid, in the said county of Middlesex, by way of merchandize, and there unshipped to be laid on land, the said

customs and other duties due and payable to his said majesty for the said goods not being first paid or lawfully tendered, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said rum, together with the casks containing the same, became forfeited. 8. Ann, c. 7. s. 17.

GEO. WOOD.

For the condemnation of brandy and casks, for that the brandy being subject to excise duties, the importer did not within thirty days after the report make entry of the brandy and satisfy the duties.

THAT the said Thomas Moss, between the first day of May last past and the day of exhibiting this information, to wit, on the fifteenth day of May now last past, at Ratcliffe, in the county of Middlesex, within the port of London, did seize and arrest to the use of his said majesty and of himself, as forfeited, four hundred and fifty-three gallons of foreign brandy, and four casks containing the same, of the goods and merchandize of merchants unknown, for that the said brandy being foreign liquors liable to the duties of excise, after the fifth day of July 1758, to wit, on the said twelfth day of April 781, were brought and imported in a certain ship or vessel from parts beyond the seas into Great Britain, to wit, to Ratcliffe aforesaid, within the port of London aforesaid, by the said merchants to the said Thomas Moss unknown; and that by the said several statutes in such case made and provided, certain duties of excise, amounting in the whole to a large sum of money, to wit, to the sum of three hundred and sixty-five pounds eight shillings and fourpence three farthings of lawful money of Great Britain for and in respect of the importation of the said foreign brandy, did accrue and become due and payable to his said majesty, yet the proprietor or proprietors, importer or importers of such foreign brandy so liable to the duties of excise as aforesaid, within thirty days next after the master or person of that voyage of the ship or vessel wherein the said foreign exciseable brandy was so imported and brought into Great Britain as aforesaid, had made or ought to have made a just and true entry or report upon oath of the burthen, contents, and loading of such ship or vessel, in pursuance of the directions of the statute made in the thirteenth and fourteenth years of the reign of king Charles the Second, intitled, "An Act for preventing Frauds and regulating Abuses in his Majesty's Customs," did not make a true entry with the officer or collector appointed for the excise in the said port of London, where the said foreign exciseable brandy was so imported as aforesaid, of such foreign exciseable brandy on board such ship or vessel belonging to such proprietor or proprietors, importer or importers, and then or before satisfying the duties of excise due and payable for and in respect of the said foreign exciseable brandy, according to the form of the statute in that case made and provided, but wholly neglected and refused to make due entry and payment thereof, contrary to the form of the statute in such case made and provided; whereby and by force of the statute in that case made and c. 11. s. 21. 31. G. 2. c. 36. s. 5.

and provided, the said foreign exciseable brandy, together with the said four casks containing the same, belonging to such proprietor or proprietors, importer or importers of the same, became forfeited.

GEO. WOOD.

For the condemnation of raw molasses spirits, for being removed by permits under a false description.

THAT he the said Thomas Cooper so being one of the officers of excise as aforesaid, after the tenth day of October 1784, to wit, on the second day of May, in the year of Our Lord 1785, to wit, at Ratcliffe, in the said county of Middlesex, did seize and arrest to the use of his said majesty and himself, as forfeited, a large quantity, to wit, eighteen thousand six hundred gallons of spirituous liquors called raw molasses spirits, for that the said spirituous liquors, after the said tenth day of October 1784, had been removed by virtue of permits in that behalf, to wit, from Bristol to Southwark, under a false description, that is to say, under the description of British brandy, when in truth and in fact the same was not British brandy, but raw molasses spirits, contrary to the form of the statute in that case made and provided, whereby the said raw molasses spirits became lost and forfeited.

24. G. 3. c. 46. s. 10.

GEO. WOOD.

For retailing distilled spirituous liquors without first taking out a license, as the statute requires.

THAT John Bury, between the first day of January 1784 and the day of exhibiting this information, to wit, at Westminster, in the said county of Middlesex, did presume to retail and did retail certain distilled spirituous liquors, that is to say, brandy and geneva, without first taking out a licence for that purpose, in manner as by the several statutes in that case made and provided, and in force at the time of passing a certain act of parliament, made in the thirteenth year of the reign of our sovereign lord the now king, intitled, "An Act for the more effectually retailing of distilled Spirituous Liquors, and for preventing the forging or counterfeiting any Stamp or Seal used for marking Silks, Calicoes, Linens, and Stuffs, to be printed, painted, stained, or dyed in Great Britain," is prescribed and directed, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said John Bury hath for his said offence forfeited and lost the sum of fifty pounds.

12 & 13 Will 3. c. 11. s. 18
16. G. 2. c. 8. s. 8
24. G. 2. c. 40. s. 5
24. G. 2. c. 56. s. 5.
13. G. 3. c. 56. s. 1.

GEO. WOOD.

Against a dealer in brandy, for taking into his possession spirits, without making entry of the place where he kept the same at the next office of excise.

THAT John Brake, after the first day of August 1720, to wit, on the twentieth day of April, in the year of Our Lord 1785,

had

had become, and then was, and from thenceforth hitherto hath been, and still is a seller of and dealer in brandy, arrack, rum, spirits, and strong waters, to wit, at Westminster, in the county of Middlesex, and so being such seller of and dealer in brandy, arrack, rum, spirits, and strong waters, after the said first day of August 1720, and before the exhibiting of this information, to wit, on the twenty-fifth day of April 1785 aforesaid, at Westminster aforesaid did take a quantity of brandy, to wit, thirty gallons of foreign brandy, into his custody and possession, in a certain vault by him made use of for keeping of such brandy, without making or having made a true and particular entry in writing of such vault so by him made use of for the keeping of such brandy as aforesaid, at the office of excise, within the compass or limits whereof such vault was situated, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said John Brake hath for his said offence forfeited the sum of twenty pounds.

6. G. 1. c. 21. s. 12.

GEO. WOOD.

Michaelmas Term, 28. Geo. III.

Information for the condemnation of spirits, for that the same being liable to duties of customs and excise were knowingly harboured and concealed.

MIDDLESEX, to wit. Be it remembered that William Jackson one of the officers of excise, who prosecutes as well for his said majesty as for himself in this behalf, cometh before the barons of this exchequer the twenty-eighth day of November in this same term, in his proper person, and as well for his said majesty as for himself giveth the court here to understand and be informed, that one John Oliver, he the said J. O. then and there being an officer of excise, between the first day of January, in the year of Our Lord 1786, and the day of exhibiting this information, to wit, on the twenty-fifth day of December, in the year of Our Lord 1787, at Ratcliffe, in the said county of Middlesex, did seize and take as forfeited a large quantity, to wit, thirty-eight gallons of foreign brandy, twenty-one gallons of rum, and forty gallons of foreign spirituous liquors called geneva, for that one Peter Good, after the twenty-fourth day of June 1725, and before the day of exhibiting this information, to wit, on the said twenty-fifth day of September, in the said year of Our Lord 1787, at Ratcliffe aforesaid, in the said county, did knowingly harbour, keep, and conceal, and did knowingly permit and suffer to be harboured, kept, and concealed, the said foreign brandy, rum, and foreign spirituous liquors called geneva, the same foreign brandy, rum, and foreign spirituous liquors called geneva being goods liable to the duties of customs and excise, which had been unlawfully run into this kingdom, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said foreign brandy, rum, and foreign spirits called geneva became forfeited and lost: And also for that the said John Oliver so

11. G. 1. c. 30. s. 16.

2d Count, for being an excess in the stock of a dealer since the last preceding survey.

being

being ſuch officer as aforeſaid, afterwards, to wit, on the twenty-fifth day of September 1787, at Ratcliffe aforeſaid, in the ſaid county, did diſcover and find a large quantity, to wit, thirty eight gallons of foreign brandy, twenty-one gallons of rum, and forty gallons of foreign ſpirituous liquors called geneva in the ſtock of the ſaid Peter Good, he the ſaid Peter Good then and there being a dealer in and ſeller of ſpirituous liquors under the ſurvey of the officer of exciſe and inland duties, over and above the ſeveral and reſpective quantities of ſpirituous liquors of thoſe ſeveral and reſpective denominations which the officer of exciſe found in the ſaid Peter Good's cuſtody at the time of the laſt preceding ſurvey upon the ſaid PeterGood, ſo being ſuch dealer in and ſeller of ſpirituous liquors as aforeſaid, ſuch ſeveral increaſes then and there having been made by commodities for which no duty had been paid, which had been privately brought in by the ſaid Peter Good, ſo being ſuch dealer in and ſeller of ſpirituous liquors as aforeſaid, without permit or certificate, contrary to the form of the ſtatute in that caſe made and provided, ſo much of the ſaid reſpective ſtock of ſpirituous liquors as was found ſo increaſed as aforeſaid became forfeited and loſt; whereby and by force of the ſaid ſtatute in that caſe made and provided the ſaid foreign brandy, rum, and ſpirituous liquors called geneva, ſo ſeized and taken as aforeſaid, being quantities equal to the ſeveral and reſpective increaſe quantities as aforeſaid, was ſeized and taken by the ſaid officer of exciſe who diſcovered the ſame from and out of the ſaid ſeveral and reſpective ſtocks then in the poſſeſſion of the ſaid Peter Good, where the ſaid reſpective increaſes were found: Wherefore the ſaid William Jackſon, as well on behalf of his ſaid majeſty as for himſelf, prayeth the conſideration of this court in the premiſes, and that the ſaid foreign brandy, rum, and foreign ſpirituous liquors called geneva may for the reaſons aforeſaid remain forfeited.

21. G. 3. c. 55. §. 29.

GEO. WOOD.

Againſt a brandy dealer for having an exceſs in his ſtock of brandy ſince the officer's laſt preceding ſurvey.

AND the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that within the times aforeſaid, to wit, on the ſaid ſeventeenth day of January 1786, at Weſtminſter aforeſaid, the ſaid John Ballard was a dealer in ſpirituous liquors, and that one Thomas Edmonds was during all the time aforeſaid an officer of exciſe, and that the ſaid Thomas Edmonds ſo being ſuch officer as aforeſaid, on the ſaid ſeventeenth day of January 1786, did diſcover and find an increaſe of a large quantity, to wit, ſixty-ſeven gallons of foreign brandy in the ſtock of foreign brandy of the ſaid John Ballard, ſo being ſuch dealer as aforeſaid, over and above the quantity of foreign brandy which ſuch officer of exciſe found in the ſaid John Ballard's cuſtody at the time of the laſt preceding ſurvey upon him the ſaid John Ballard

Ballard as such dealer as aforesaid, and which increase had been made by a commodity for which no duty had been paid, and which had been privately brought in by the said John Ballard without permit or certificate; whereby and by force of the said last-mentioned statute the said John Ballard, the person in whose stock such increase was discovered and found, hath lost and forfeited the sum of twenty pounds.

21. G. 3. c. 55. s. 29.

GEO. WOOD.

THAT he the said William Jackson, after the first day of August 1786, and before the day of exhibiting this information, to wit, on the fifteenth day of September 1787, at Westminster aforesaid, in the said county, then and there being such officer as aforesaid, did seize a large quantity, to wit, one hundred and six gallons of foreign brandy, for that after the said first day of August 1786, and before the day of exhibiting this information, to wit, on the said fifteenth day of September, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, one Thomas Guillaume, he the said Thomas Guillaume then and there being a rectifier of spirits, had in his custody and possession a large quantity, to wit, the said one hundred and thirty-six gallons of foreign brandy, the same not being shrub, cherry, or raspberry brandy, of a lower degree of strength than that of one in six under hydrometer proof, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said foreign brandy became and was then forfeited.

For condemnation of foreign brandy, the same being in the custody of a rectifier, not being shrub, cherry, or raspberry brandy of a lower degree of strength than that of one in six under hydrometer proof.

26. G. 3. c. 73. s. 31.

GEO. WOOD.

THAT he the said Thomas Cooper so being such officer as aforesaid, between the first day of January 1787, and the day of exhibiting this information, to wit, on the twentieth day of June, in the said year of Our Lord 1787, at Ratcliffe aforesaid, in the said county of Middlesex, did seize to the use of his said majesty, and of himself, as forfeited, divers, to wit, eight hundred and one gallons of foreign geneva, for that the said geneva, the same being foreign liquors liable to the duties of excise, was (together with divers other goods and merchandise) imported and brought in a certain ship called the Duke of York, from parts beyond the seas into Great Britain, to wit, to the port of London, and the master of the said ship upon the importation of such geneva, goods, and merchandize, to wit, on the twentieth day of June, in the year of Our Lord 1787, to wit, at Ratcliffe aforesaid, did make an entry or report, as and for a just and true entry or report of the said geneva, goods, and merchandize, contained and laden in the said ship, in pursuance of the statute made in the thirteenth and fourteenth years of the reign of king Charles the Second, intitled "An "Act for preventing Frauds, and regulating Abuses in his Ma-"jesty's

For the condemnation of geneva, for that the master of the ship in which the same was imported, did not insert in his entry or report the particular marks of the casks containing the geneva.

c. 11. s. 4.

"jesty's Customs," yet in the said entry or report so made by the said master of the ship or vessel wherein the same was imported and brought into the kingdom of Great Britain as aforesaid, the particular numbers and marks of each and every of the said casks wherein the said liquors was contained on board the said ship, when the entry or report was made as aforesaid, were not inserted in such entry or report, as the statute in that case made and provided requires, but was neglected to be so done, contrary to the form of the statute, whereby and by force of the statute in that case made and provided, the said geneva became forfeited: And also for that the said geneva, the same being foreign liquors liable to the duty of excise, and which had been imported in the said ship or vessel called the Duke of York from parts beyond the seas into Great Britain, and of which a report ought to have been made, in pursuance of the statute made in the said thirteenth and fourteenth years of the reign of king Charles the Second, was found after the time when such report ought to have been made, on board the said ship or vessel called the Duke of York, of which said geneva no report had then been made by the master or purser of the said ship, as by the statute in that case made and provided is required, whereby and by force of the said statute in that case made and provided the said geneva became forfeited.

21. G. 2. c. 36. s. 7.

2d Count, for not being reported.

24. G. 3. c. 67. s. 28.

G. WOOD.

For the condemnation of a horse and cart being employed in the removal of British spirits, without a permit.

AND also for that the said Robert Aslin so being such officer as aforesaid, between the first day of January 1785, and the day of exhibiting this information, to wit, on the said tenth day of October 1785, at Westminster aforesaid, in the said county of Middlesex, did seize and arrest to the use of his said majesty and himself, as forfeited, one horse and a cart, for that the said horse and cart were then and there used and employed in the removing, carrying, and conveying a large quantity, to wit, one hundred and forty-eight gallons of British made spirituous liquors from one part of this kingdom to another part thereof, the said British made spirits so removing, carrying and conveying, not being then accompanied with authentic permits or certificates, or an authentic permit or certificate from some or one of the officers of his majesty's revenue of excise, as by the statute in such case made and provided, are directed to accompany the same when removing as aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the statute in that case made and provided the said horse and cart became and are forfeited.

23. G. 3. c. 70. s. 15.

G. WOOD.

I think the horse and cart forfeited by the 15th section of 23. G. 3 c. 70. though no express words of forfeiture are used. I think forfeiture is implied, as the officers are authorized to seize, and the seizures are to be proceeded upon, heard, and determined as other seizures, made by the officers of excise.

G. WOOD.

THAT

THAT one William Fry, on the first day of December 1784, and from thence until the day of exhibiting this information, was a rectifier of and dealer in British spirits for home consumption, to wit, at Westminster, in the said county of Middlesex, and the said William Fry so being such rectifier and dealer as aforesaid, heretofore, to wit, on the fifth day of October 1785, at Westminster, in the said county of Middlesex, did use a moveable cask for the purpose of sending out compounds, the said cask not then having its full contents in gallons legibly marked on some conspicuous part thereof, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute, the said William Fry then and there being the owner of the said cask so used and not being so marked as aforesaid, hath forfeited for his said default, omission, and offence the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said William Fry so being such rectifier and dealer as aforesaid, afterwards, to wit, on the said fifth day of October last past, at Westminster aforesaid, did use one other moveable cask for the purpose of keeping compounds, such last-mentioned cask not then having its full contents in gallons legibly marked on some conspicuous part thereof, contrary to the form of the statute in that case made and provided whereby and by force of the said statute the said William Fry, then and there being the owner of the said last-mentioned cask so used, and not being marked as last aforesaid, hath forfeited for his said last-mentioned default, omission, and offence, the further sum of fifty pounds.

Against a rectifier and dealer in British spirits for home consumption, for using a moveable cask for sending out compounds without having its full contents in gallons legibly marked on some conspicuous part thereof.

2d, for using a cask for keeping compounds not marked.

24. G. 3. c. 46.

24. G. 3. c. 46. s. 21.

G. WOOD.

MIDDLESEX, to wit. Be it remembered that Robert Aslin one of his majesty's officers of excise, who prosecutes as well for his said majesty as for himself in this behalf, present here in court the fifteenth day of November in this same term, in his own proper person, doth as well on behalf of his said majesty as of himself give the court here to understand and be informed, that the said Robert Aslin so being such officer as aforesaid, after the fifth day of July 1786, and before the day of exhibiting this information, to wit, on the thirteenth day of September, in the year of Our Lord 1786, at Ratcliffe, in the said county of Middlesex, did seize and arrest to the use of his said majesty and himself, as forfeited, a large quantity, to wit, nine hundred and ninety-one gallons of spirits, and the casks containing the same, for that the same being spirits manufactured in that part of Great Britain called Scotland of a strength exceeding that of one to ten over hydrometer proof, were after the said fifth day of July 1786 aforesaid, and before the exhibiting of this information, to wit, on the said thirteenth day of September, in the said year of Our Lord 1786 aforesaid, shipped in that part of Great Britain called

Information for the condemnation of spirits, for that the same being manufactured in Scotland of a strength exceeding that of one to ten over hydrometer proof, were imported into the port of London, the excess strength being more than three *per cent.* above one to ten.

called Scotland on board a certain veſſel, in order to their bei ſent or conveyed, and were thereby ſent and conveyed from th part of the ſaid united kingdom called Scotland, to another part the ſaid united kingdom, to wit, to Ratcliffe aforeſaid, in the ſa county, and ſuch exceſs of ſtrength of the ſaid ſpirits did amou to more than three pounds *per cent.* above the ſaid ſtrength of o to ten over hydrometer proof, contrary to the form of the ſtatu in that caſe made and provided; whereby and by force of t ſaid ſtatute the ſaid ſpirits and the caſks containing the ſame b came and are loſt and forfeited: And alſo for that the ſaid ſpirit the ſame being made from materials mentioned in an act of parli ment, made in the twenty-ſixth year of the reign of his prese majeſty, intitled "An Act to diſcontinue for a limited Time th "ſeveral Duties payable in Scotland upon Low Wines and Sp "rits, and upon Worts, Waſh, and other Liquors there uſe "in the Diſtillation of Spirits, and for granting to his Majeſ "other Duties in Lieu thereof," after the fifth da of July 1786, and before the day of exhibiting this informa tion, to wit, on the ſaid thirteenth day of September 1786 at Ratcliffe, in the ſaid county of Middleſex, were remove by water from Scotland into another part of the unite kingdom, to wit, to Ratcliffe, in the ſaid county of Middleſex, without being accompanied by a certificate from th maker, diſtiller, rectifier, or compounder thereof, or his know and authoriſed agent, ſpecifying the number and the reſpective marks of the ſeveral packages, and the quantity of gallons contained in each of ſuch packages, and the reſpective degrees of ſtrength of the ſpirits in each package, together with the different ſpecies or kinds of the ſaid ſpirits, and without being accompanied by a regular clearance from the proper cuſtom houſe in Scotland, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid ſpirits, together with the packages containing the ſame, became and are loſt and forfeited: And alſo for that the ſaid ſpirits, the ſame being rectified ſpirits, were after the ſaid fifth day of July 1786, and before the day of exhibiting this information, to wit, on the ſaid thirteenth day of September, in the ſaid year of Our Lord 1786, to wit, at Ratcliffe aforeſaid, in the ſaid county, ſent from that part of Great Britain called Scotland by water, into another part of the united kingdom, to wit, to Ratcliffe, in the ſaid county of Middleſex, without being accompanied with a permit from the proper officer of exciſe, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid ſpirits, together with the caſks containing the ſame became and are loſt and forfeited. (Another Count for being found, removed, and carried without permit, on 6. Geo. 1. c. 21. ſ. 17.)

26. G. 3. c. 64.

2d Count, for being moved from Scotland to Ratcliffe without being accompanied with a certificate.

26. G. 3. c. 64. ſ. 31.

3d Count, for that the ſame being rectified ſpirits were ſent from Scotland to Ratcliffe without being accompanied with a permit from a proper officer of exciſe.

26. G. 3. c. 64. ſ. 32.

G. Wood.

Eaſter

Easter Term, 26. Geo. III.

MIDDLESEX, to wit. Be it remembered that Thomas Groves and James Waddington, two of the officers of excise of our present sovereign lord the king, who prosecute as well for his said majesty as for themselves in this behalf, present here in court this twenty-sixth day of May in this same term in their proper persons, do as well on behalf of his said majesty as of themselves give the court here to understand and be informed, that the said Thomas Groves and James Waddington so being such officers as aforesaid, between the first day of January 1785, and the day of exhibiting this information, to wit, on the seventh day of April, in the year aforesaid, to wit, at Ratcliffe, in the said county of Middlesex, did seize and arrest to the use of their said majesty and themselves as forfeited, a large quantity, to wit, four thousand one hundred and ninety-six gallons of rum, and thirty-five casks containing the same, for that the said rum being rum of the growth, produce, and manufacture of the British sugar plantations in America, had been lodged and deposited by virtue and in pursuance of an act of parliament, made in the reign of his late majesty, intitled, "An Act to impower the Importers or Proprie-"tors of Rum or Spirits of the British Sugar Plantations to land "the same before Payment of the Duties of Excise charged "thereon, and to lodge the same in Warehouses at their own "Expence, and for the Relief of Ralph Barrow, in respect to the "Duty on some Rock Salt lost by the overflowing of the "Rivers Weaver and Dane," in certain warehouses, and had been delivered out of such warehouses as aforesaid for exportation, to wit, at Ratcliffe aforesaid, in the said county of Middlesex, and for that after the said delivery thereof from such warehouses as aforesaid, and before the shipping thereof, to wit, on the said seventh day of April, in the said year of Our Lord 1786, to wit, at Ratcliffe aforesaid, the quantity had been changed and altered, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, the said rum and the said casks containing the same became forfeited: And also for that part of the said rum, to wit, one thousand five hundred gallons of the said rum, after the said delivery thereof from such warehouses as aforesaid, for exportation as afore aid, and before the shipping thereof, to wit, on the same day and year last aforesaid, at Ratcliffe aforesaid, had been taken from and out of the casks in which the same was contained, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said rum and the said casks containing the same became forfeited: And also for that the said casks in which the said rum was contained, after the said delivery thereof from such warehouses as aforesaid, for exportation as aforesaid, and before the shipping thereof, to wit, on the same day and year last aforesaid, at Ratcliffe aforesaid, were wilfully opened, contrary to the form of the statute in that case made and provided;

Information for the condemnation of rum and casks, the same having been lodged and deposited in warehouses and delivered out for exportation, for that after delivery and before shipping the quantity had been changed and altered.

33. G. 2. c. 28. s. 8.

2d Count, for that part of the rum after delivery and before shipping had been taken out of the casks containing the same.

33. G. 2. c. 28. s. 8.

3d Count, for that the casks containing the same, after delivery and before shipping, had been wilfully opened.

33. G. 2. c. 28. s. 8.

vided; whereby and by force of the ſaid ſtatute the ſaid rum and the ſaid caſks containing the ſame became forfeited: And alſo for that the ſaid rum after the delivery thereof from ſuch warehouſes as aforeſaid, for exportation as aforeſaid, was not ſhipped within the ſpace of twelve hours after the ſaid delivery thereof, according to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid rum and the ſaid caſks containing the ſame became forfeited; wherefore the ſaid Thomas Groves and James Waddington, as well for his ſaid majeſty as for themſelves pray the conſideration of this court in the premiſes, and that the ſaid rum, together with the caſks containing the ſame ſo ſeized and arreſted as aforeſaid, may, for the reaſons aforeſaid, remain forfeited.

4th Count, for that the rum after delivery was not ſhipped within twelve hours.

33. G. 2. c. 28. ſ. 8.

G. WOOD.

This information ſhould have contained Counts on the 33. G. 2. c. 28. ſ. 11. for altering the quality of the rum *after ſhipping*.

For the condemnation of compounds and brandy, for that certain officers of exciſe took the ſtock of a rectifier and compounder, and found it to be exceſs in the ſtock ſince the laſt preceding account, computing the ſtock at one in eight under hydrometer proof and making the allowance directed by the act.

c. 73.

THAT after thirty days from the commencement of a certain act of parliament, made in the parliament of our lord the now king at a ſeſſion thereof holden at Weſtminſter, in the twenty-ſixth year of his reign, intitled, "An Act to diſcontinue for a "limited Time the Payment of Duties upon Low Wines and "Spirits for home Conſumption, and for granting and ſecuring "the due Payment of other Duties in Lieu thereof, and for the "better Regulation of the making and vending Britiſh Spirits, "and for diſcontinuing for a limited Time certain Impoſts and "Duties upon Rum and Spirits imported from the Weſt Indies," and before the day of exhibiting this information, to wit, on the twenty-ſecond day of November 1787, at Weſtminſter aforeſaid, in the ſaid county, one John Collingſworth and one James Wilſon, they the ſaid John Collingſworth and James Wilſon then and there being officers of exciſe, did ſeize and take as forfeited a large quantity, to wit, one thouſand ſeven hundred and thirty-two gallons of compounds and ſix hundred and twenty-eight gallons of Britiſh brandy, for that after thirty days after the commencement of the ſaid act, and before the day of exhibiting this information, to wit, on the third day of November 1787, at Weſtminſter aforeſaid, in the ſaid county, they the the ſaid John Collingſworth and James Wilſon ſo being ſuch officers as aforeſaid, did take an account of the ſtock of Britiſh brandy, rectified Britiſh ſpirits, raw Britiſh ſpirits, compounds, and other Britiſh ſpirits of one Edward Chriſtian and one William Lewis, they the ſaid Edward Chriſtian and William Lewis then and there being rectifiers and compounders of ſpirits, and on taking ſuch account, the ſtock of compounds ſo taken added to the quantity of compounds for which permits had been granted to the ſaid Edward Chriſtian and William Lewis, being ſuch rectifiers and compounders as aforeſaid, ſince the time of taking the laſt preceding account of ſuch ſtock,

ſtock, was found to exceed the quantity of compounds found in ſuch ſtock at the time of taking ſuch laſt preceding account, added to the quantity ſince legally made or received by permit, with the allowance of thirty-five gallons on every hundred gallons ſo made or received, caſting or computing ſuch ſtock at the ſtrength of one in eight under hydrometer proof, to a large amount, to wit, to the amount of the ſaid one thouſand one hundred and thirty-two gallons, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute, a quantity of compounds equal to the ſaid quantity of the ſaid compounds ſo found in exceſs, became and was forfeited and loſt; whereby and by force of the ſaid ſtatute, the ſaid John Collingſworth and James Wilſon being the officers who diſcovered the ſaid exceſs, ſeized and took the ſaid one thouſand one hundred and thirty-two gallons of compounds, being a quantity equal to the ſaid quantity of compounds ſo found in exceſs as aforeſaid, from and out of the ſtock of the ſaid Edward Chriſtian and William Lewis, where the ſaid exceſs was ſo diſcovered and found: And alſo for that after thirty days after the commencement of the ſaid act, and before the day of exhibiting this information, to wit, on the ſaid third day of November, in the ſaid year of Our Lord 1787, at Weſtminſter aforeſaid, in the ſaid county, they the ſaid John Collingſworth and James Wilſon ſo being ſuch officers as aforeſaid, did take an account of the ſtock of Britiſh brandy, rectified Britiſh ſpirits, raw Britiſh ſpirits, compounds, and other Britiſh ſpirits of the ſaid Edward Chriſtian and William Lewis, ſo being ſuch rectifiers and compounders of ſpirits as aforeſaid, and on taking ſuch account of the ſtock of Britiſh brandy ſo taken, added to the quantity of Britiſh brandy for which permits had been granted to the ſaid Edward Chriſtian and William Lewis, ſo being ſuch rectifiers and compounders as aforeſaid, ſince the time of taking the laſt preceding account of ſuch ſtock, was found to exceed the quantity of Britiſh brandy found in ſuch ſtock at the time of taking ſuch laſt preceding account, added to the quantity ſince legally made or received by permit, with the allowance of thirty-five gallons on every hundred gallons ſo made or received, caſting or computing ſuch ſtock at the ſtrength of one in eight under hydrometer proof, to a large amount, to wit, to the amount of the ſaid ſix hundred and twenty-eight gallons, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute, a quantity of Britiſh brandy, equal to the quantity of Britiſh brandy ſo found in exceſs as aforeſaid, became and was forfeited and loſt; whereby and by force of the ſaid ſtatute the ſaid John Collingſworth and James Wilſon being the officers who diſcovered the ſaid exceſs, ſeized and took the ſaid ſix hundred and twenty-eight gallons of Britiſh brandy, being a quantity equal to the ſaid quantity of Britiſh brandy ſo found in exceſs as aforeſaid, from and out of the ſtock of the ſaid Edward Chriſtian and William Lewis, where the ſaid exceſs was diſcovered and found.

26. G. 3. c. 73. ſ. 28.

2d Count, ſame exceſs in the ſtock of Britiſh brandy.

26. G. 3. c. 73. ſ. 28.

GEO. WOOD.

Against a maker of British spirituous liquors, who had obtained a permit called the "Buyer's Permit," for removing British spirits to another stock, for sending and delivering the spirits unto the persons to whom they were permitted, without sending and delivering the permit with the same.

THAT between the first day of January 1786 and the day of exhibiting this information, to wit, on the twenty-ninth day of April 1786, one Joseph Rundall, he the said Joseph Rundall then and there being an officer of excise, did grant unto one Robert Lewis, he the said Robert Lewis then and there being a maker of British spirituous liquors for home consumption, a permit intitled "The Buyer's Permit," for the removal of two casks, containing two hundred and twenty gallons of British spirituous liquors, called raw molasses, spirits for home consumption, the same permit being for the removal thereof from the stock of the said Robert Lewis to the stock of certain persons known by the name and stile of Nanson and Hankin, Stanhope-street, and in which said permit, the said officer granting the same as aforesaid, did express and limit, that the said permit should be in force one hour for the said spirits being sent out of the said Robert Lewis's stock, and two hours more for the same being delivered and received into the said persons known by the name and stile of Nanson and Hankin's stock, yet the said Robert Lewis did not send and deliver the said permit with the said spirituous liquors, unto the said persons known by the name and stile of Nanson and Hankin, they the said Nanson and Hankin then and there being the buyers of the said spirituous liquors, as he ought to have done, but sent and delivered, and caused to be sent and delivered the said spirituous liquors unto the said persons known by the name and stile of Nanson and Hankins, without sending and delivering, or causing to be sent and delivered the said permit to the said persons known by the name and stile of Nanson and Hankins, the buyers of the said spirituous liquors, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, the said Robert Lewis hath for his said offence forfeited double the value of the said spirituous liquors, including the duties, and the said attorney general on behalf of his said majesty avers, that double the value of the said two hundred and twenty gallons of spirituous liquors, including the duties, amount to a large sum of money, to wit, to the sum of two hundred pounds of, &c. to wit, at Westminster aforesaid.

24. G. 3. c. 46. s. 11.

GEO. WOOD.

Hilary Term, 27th Geo. III.

Information for the condemnation of a boat, for that the same was unlawfully used in running and conveying away spirits which had been unlawfully imported, customs and other duties not being first paid or secured.

MIDDLESEX, to wit. Be it remembered that John Saunders, one of his said majesty's officers of excise, who prosecutes as well for his said majesty as for himself, being present here in court, the fifth day of February in this same term in his proper person, doth as well on behalf of his said majesty as of himself give the court here to understand and be informed, that he the said John Saunders, so being such officer as aforesaid, between the first day of January 1786, and the day of exhibiting this information, to wit, on the twenty-seventh day of December 1786, at Ratcliffe aforesaid, in the said county of Middlesex, did seize and arrest to the

the use of his said majesty and himself as forfeited, one boat, for that a quantity, to wit, ten gallons of brandy, ten gallons of rum, and ten gallons of foreign spirits called geneva, the same being goods and merchandizes liable to the payment of customs and other duties to his said majesty, had been then and there brought and imported in a certain ship or vessel, or certain ships or vessels by persons to the said John Saunders at present unknown, from parts beyond the seas into Great Britain, and had been then and there unlawfully unshipped, with intention to be laid on land, the said customs and other duties due and payable to his said majesty for the same, not being first paid or secured, as by the statutes in that behalf made and provided is required, contrary to the form of the statute in that case made and provided; and that the said boat was then and there unlawfully used in running, carrying, and conveying away the said goods, the said customs and other duties due and payable to his said majesty for the same not being first paid or secured, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute in that behalf made and provided, the said boat became forfeited. (2d Count exactly like the 1st, but for the condemnation of another boat); wherefore the said John Saunders, as well for his said majesty as for himself, prayeth the consideration of this court in the premises, and that the said boats so seized and arrested as aforesaid may for the reasons aforesaid remain forfeited.

8. Ann, c. 7. s. 17.

GEO. WOOD.

The right honourable lord Mount Edgcombe claimed the boats, and pleaded the general issue.

3d day of July 1787, the cause was tried before lord chief baron Eyre and a special jury, and the following notes were taken by his lordship for a special verdict:

"That the boat in the 1st Count in "the information mentioned was used "for the removing, carrying, and con-"veying away five gallons and a half "of spirituous liquors, parcel of the "goods in the information mentioned, "the customs and other duties not "being first paid or secured; that such "goods were brought on board the said "boat by certain passengers, and that "the persons who had the care and "conduct of the said boat, and navigat-"ed her, were privy and consenting "to such goods being brought on board. "Then that it is a public ferry, and "then your case comes in, and the "same as to the 2d Count taking the "Quantity."

Special verdict.

Afterwards, that is to say, on the day and at the place within mentioned before Sir James Eyre, knight, lord chief baron of his majesty's court of exchequer, at Westminster within named, comes John Saunders, who prosecutes as well for himself as for his said majesty, in his proper person, as the said viscount within mentioned, by his clerk in court within named, and the jurors of the jury, whereof mention is within named, being summoned and chosen, some of them, to wit, William Hopkins, John Hall, Robert Maudley, William Fassen, John Reed, John Crotchfield, George Slater, and Gilbert Park come and are sworn upon that

jury, and becauſe the reſt of the jurors of that jury did not appear, others of thoſe ſtanding about the court, choſen for this purpoſe by the ſheriff of the county aforeſaid are, at the requeſt of his majeſty's attorney general; and by the command of the ſaid chief baron newly appointed, whoſe name is added to the pannel within written, according to the ſtatute in ſuch caſe made and provided, which ſaid jurors ſo newly appointed, to wit, Henry Lewer, John Bligh, William Watſon, and George Clark, being called, likewiſe come, who together with the jurors aforeſaid before impannelled are ſworn to declare the truth touching the matters within contained, and being ſo ſworn, ſay upon their oath that there now is, and from time whereof the memory of man is not to the contrary there hath been, a certain ancient paſſage or ferry called Crimble paſſage or ferry, from Mount Edgcombe in the county of Devon, over and acroſs a certain arm of the ſea, of the breadth of three quarters of a mile, unto Plymouth dock in the ſame county, and ſo back again from Plymouth dock aforeſaid, to Mount Edgcombe aforeſaid, for the carrying, conveying, and ferrying of all and every perſon or perſons whatſoever requiring ſuch carriage or conveyance over and acroſs the ſaid arm of the ſea, and that the proprietors and owners of the ſaid ferry by themſelves, their tenants, and ſervants have for all the ſaid time immemorial taken, had, and received, and have been uſed and accuſtomed to take, have, and receive, and of right ought to have taken, had, and received, from every paſſenger going or coming over the ſaid arm of the ſea, in their ferry boats or veſſels, for ſuch carriage or conveyance, a certain reaſonable toll or duty, to wit, the ſum of twopence, and have during all the time aforeſaid kept and ſtill keep at the ſaid ferry proper and ſufficient boats and veſſels with proper and ſufficient watermen and ſervants for the carrying, conveying, and ferrying of all paſſengers requiring ſuch carriage or conveyance over the ſaid arm of the ſea; and the ſaid jurors aforeſaid, upon their oath aforeſaid, further ſay, that at the time of ſeizing and arreſting the ſaid boats in the ſaid information within-mentioned, the within-named right honourable viſcount Mount Edgcombe was ſeiſed in his demeſne as of fee of and in the ſaid ferry, and that the ſaid boats ſo ſeized and arreſted as aforeſaid, were the ferry-boats of the ſaid ferry, uſed for the carrying, conveying, and ferrying of all and every perſon or perſons whatſoever, requiring ſuch carriage or conveyance over the ſaid paſſage or ferry, kept by the ſaid George viſcount Mount Edgcombe, as owner and proprietor of the ſaid ferry for that purpoſe: And the jurors aforeſaid, upon their oath aforeſaid, further ſay, that on the twenty-ſeventh day of December, in the year of Our Lord 1786, certain paſſengers on board the ſaid ferry-boats brought with them into the ſaid ferry-boats the quantities of foreign ſpirituous liquors reſpectively mentioned (the ſame being goods and merchandizes, liable to the payment of cuſtoms and other duties to his ſaid majeſty, and which has been then and there brought and imported in a certain ſhip or veſſel, or certain ſhips or veſſels by perſons to the

ſaid

ſaid jurors unknown, from parts beyond the ſeas into Great Britain, and had been then and there unlawfully unſhipped, with intention to be laid on land, the ſaid cuſtom and other duties due and payable to his ſaid majeſty for the ſame, not being firſt paid or ſecured, as by the ſtatutes in that behalf made and provided is required, contrary to the form of the ſtatute in that caſe made and provided), in order to be removed, carried, and conveyed in the ſaid ferry-boats acroſs the ſaid arm of the ſea, and that the watermen and boatmen who had the care and conduct of the ſaid boats, and who navigated the ſaid boats, at the reſpective times of ſuch ſpirituous liquors being brought by the ſaid paſſengers into ſuch ferry-boats for the purpoſe aforeſaid, well knew that the ſame were ſo brought as aforeſaid, and that the ſame had been unlawfully imported and unſhipped as aforeſaid, and were privy and conſenting to ſuch goods, well knowing the ſame to have been ſo unlawfully brought, imported, and unſhipped as aforeſaid, being put and brought on board the ſaid ferry-boats for the purpoſes aforeſaid, and that the ſaid boats were then and there uſed in removing, carrying, and conveying the ſaid ſpirituous liquors, with the ſaid paſſengers acroſs the ſaid arm of the ſea, but whether upon the whole matter aforeſaid, by the jury aforeſaid, in form aforeſaid, found the ſaid boats were unlawfully uſed in removing, carrying, and conveying away the ſaid goods in the firſt and ſecond counts within-mentioned reſpectively, contrary to the form of the ſtatute in that caſe made and provided or not, the ſaid jury are ignorant, and pray the advice of the court in the premiſes, and if upon the whole matter aforeſaid, in form aforeſaid found, it ſhall appear to the court that the ſaid boats were unlawfully uſed in removing, carrying, and conveying away the ſaid goods in the ſaid firſt and ſecond counts within-mentioned reſpectively, contrary to the form of the ſtatute in that caſe made and provided, then the ſaid jurors upon their oath aforeſaid ſay, that the ſaid boats were unlawfully uſed in removing, carrying, and conveying away the ſaid goods in the ſaid firſt and ſecond counts mentioned reſpectively, contrary to the form of the ſtatute in that caſe made and provided; but if upon the whole matter aforeſaid it ſhall appear to the court, that the ſaid boats in the ſaid information mentioned were not unlawfully uſed in removing, carrying, and conveying away the ſaid goods in the ſaid firſt and ſecond counts of the ſaid information mentioned reſpectively, contrary to the form of the ſtatute in that caſe made and provided, then the jurors aforeſaid, upon their oath aforeſaid, ſay, the ſaid boats were not unlawfully uſed in removing, carrying, and conveying the ſaid goods in the ſaid firſt and ſecond counts of the ſaid information mentioned reſpectively, contrary to the form of the ſtatute in that caſe made and provided.

8. Ann. c. 7. ſ. 17.

GEO. WOOD.

The defendant declined arguing this verdict; the *poſtea* was delivered to the informant.

Against a rum importer who had imported rum from the plantations, which was put into bonded warehouses agreeable to the statute, for opening the warehouse without the proper warehouse keeper or other officer of excise (whose business it was to attend with the key to open the same) being present.

THAT one James Arbouin, on the first day of January 1783, was, and from thenceforth hitherto hath been, and still is an importer (*a*) and proprietor of rum and spirits of the growth, produce, and manufacture of the British sugar plantations; and as such importer and proprietor as aforesaid did, during the time aforesaid, import into this kingdom directly from some of the said sugar plantations certain rum and spirits of the growth, produce, and manufacture of the said sugar plantations, which said rum and spirits were within the time aforesaid, according to the form of the statute in that case made and provided, landed from on board the ships or vessels in which the same were so imported and carried, and put into a certain warehouse, situate and being in the parish of St. Dunstan in the East, in London, provided for that purpose at the charge of the said James Arbouin, and approved of by the commissioners of excise or the major part of them for the time being, upon the said James Arbouin, the importer of the said rum and spirits, first giving his bond or other good and sufficient security for payment of all and every the duties of excise which such rum and spirits were charged and liable to pay, according to the form of the statutes in that case made and provided: And the said James Arbouin so being the importer of such rum and spirits so lodged in such warehouse as aforesaid, during the time aforesaid, did affix one lock to such warehouse, and the key of such lock did remain in the custody of the said James Arbouin, and the officer of excise attending such warehouse did, during the time aforesaid, provide one other lock for such warehouse and did keep the key thereof; yet the said James Arbouin, so being such importer of the said rum and spirits so lodged and put into the said warehouse as aforesaid, under the direction and authority of the said act as aforesaid, during the time aforesaid, and whilst the said rum and spirits remain so lodged and put into the said warehouse as aforesaid, and before the payment of the said duty of excise due and payable for the same, and whilst the said warehouse was locked and fastened with such locks as aforesaid, to wit, on the fourteenth day of May, in the year of Our Lord 1784, at Westminster, in the said county of Middlesex, did by a certain art, device, and

(*a*) The importers of plantation are very few in comparison with the number of bonders of rum, and scarcely any importer bonds his rum, but they almost always sell it after the importation to dealers in spirits who bond it.

It would therefore be proper in all informations of this sort to insert a double set of counts, the first set stating the defendant to be an *importer*, and the second set a *proprietor*; for want of this precaution the crown was likely to have been turned round in this prosecution, as the defendant was not in reality an importer, but only a bonder of rum which he bought after the importation; and the only thing which would have obviated the objection was that the crown was prepared to prove the execution of bonds which the defendant had entered into from time to time during the whole of the time mentioned in the information pursuant to the statute on bonding his rums, and these bonds stated (for all bonds of that kind do) that defendant *had imported* such rums, and it was imagined by Mr. Wood that this acknowledgement under his own hand and seal would stop the defendant from contending that he was not an importer.

contrivance

contrivance, open the said warehouse, not in the presence of the proper warehouse-keeper or other officer of excise whose business it then was to attend with the key to open the same, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute in that case made and provided, the said James Arbouin hath forfeited for his said offence the sum of five hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that the said James Arbouin, so being an importer and proprietor of rum and spirits of the growth, produce, and manufacture of the British sugar plantations as aforesaid, as such importer and proprietor as aforesaid, did, during the time aforesaid, import into this kingdom directly from some of the said sugar plantations certain other rum and spirits of the growth, produce, and manufacture of the said sugar plantations, which said last-mentioned rum and spirits were within the time aforesaid, according to the form of the statute in that case made and provided, landed from on board the ships or vessels in which the same were so imported and carried, and put into the said warehouse provided for that purpose at the charge of the said James Arbouin, and approved of by the commissioners of excise or the major part of them for the time being, upon the said James Arbouin, the importer of the said rum and spirits, first giving his bond or other good and sufficient security for payment of all and every the duties of excise which such last-mentioned rum and spirits were charged and liable to pay, according to the form of the statutes in that case made and provided: And the said James Arbouin so being the importer of such rum and spirits so lodged in such warehouse as last aforesaid, during the time aforesaid, did affix one lock to such warehouse, and the key of such lock did remain in the custody of the said James Arbouin, and the officer of excise attending such warehouse did, during the time aforesaid, provide one other lock for such, and did keep the key thereof; yet the said James Arbouin, so being such importer of the said last-mentioned rum and spirits so lodged and put into the said warehouse as last aforesaid, under the direction and authority of the said act as aforesaid, during the time aforesaid, and whilst the said last-mentioned rum and spirits remained so lodged and put into the said warehouse as last aforesaid, and before the payment of the said duty of excise due and payable for the same, and whilst the said warehouse was locked and fastened with such locks as aforesaid, to wit, on the first of August 1784, to wit, at Westminster aforesaid, in the said county of Middlesex, did by a certain art, device, and contrivance, open the said warehouse not in the presence of the proper warehouse-keeper or other officer of excise whose business it then was to attend with the key to open the same, contrary to the form of the statutes in that case made and provided; whereby and by force of the statute in that case made and provided, the said James

17. G. 3. c. 52. s. 15.
25. G. 2. c. 25. s. 1.
2d Count, for a similar offence on another day.

Arbouin hath forfeited for his ſaid laſt-mentioned offence the further ſum of five hundred pounds.

GEO. WOOD.

Againſt diſtillers of Britiſh ſpirits, for receiving Britiſh made ſpirituous liquors (not being ſold under the direction of the commiſſioners of exciſe) of a perſon not being a maker, over whoſe door were painted the words "diſtiller, rectifier, compounder of ſpirituous liquors," as is directed and preſcribed.

THAT defendants, at the time of the committing of the offences hereinafter mentioned, were perſons who then did make, diſtil, and rectify and compound Britiſh made ſpirituous liquors for ſale, to wit, at Weſtminſter, in the ſaid county of Middleſex, and being ſuch diſtillers, rectifiers, and compounders of Britiſh made ſpirituous liquors for ſale as aforeſaid, they the ſaid defendants, after the firſt day of Auguſt 1781, and before the day of exhibiting this information, to wit, on the fourth day of February 1786, at Weſtminſter aforeſaid, in the ſaid county, did receive for their uſe a large quantity, to wit, ten gallons of Britiſh made ſpirituous liquors (not being Britiſh made ſpirituous liquors bought or received at the public ſales or any public ſale of ſuch Britiſh made ſpirituous liquors as had been condemned and were ſold under the direction of the commiſſioners of exciſe) of one William Jones, he the ſaid William Jones not then being a maker, diſtiller, rectifier, or compounder of ſpirituous liquors for ſale, over the outward door of whoſe ſtillhouſe, ſtorehouſe, warehouſe, ſhop, cellar, vault, or other place by him made uſe of for the making or keeping of Britiſh made ſpirituous liquors were then painted the words "diſtiller, rectifier, or compounder of ſpirituous liquors," or any of them, as by an act made in the nineteenth year of the reign of his preſent majeſty, intitled, "An Act for the more effectually preventing Frauds by private "Diſtillers, and for the better ſecuring the Duties on low Wines "and Spirits," is directed and preſcribed, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute, the ſaid defendants have forfeited and loſt for their ſaid offence the ſum of five hundred pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid defendants, being perſons who ſo made, diſtilled, rectified, and compounded Britiſh made ſpirituous liquors for ſale as aforeſaid, after the firſt day of Auguſt 1781, and before the day of exhibiting this information, to wit, on the fourth day of February 1786, at Weſtminſter aforeſaid, in the ſaid county aforeſaid, did buy for their uſe another large quantity, to wit, ten gallons of other Britiſh made ſpirituous liquors (not being at the public ſale or ſales of ſuch Britiſh made ſpirituous liquors as had been condemned and were ſold under the direction of the commiſſioners of exciſe) of one William Jones, he the ſaid William Jones not then being a maker, diſtiller, rectifier, or compounder of ſpirituous liquors for ſale, over the outward door of whoſe ſtillhouſe, ſtorehouſe, warehouſe, ſhop, cellar, vault, or other place by him made uſe of for the making and keeping of Britiſh made ſpirituous liquors, were then painted the words "diſtiller, recti-

21. G. 3. c. 55. ſ. 37.

2d Count, ſame as the firſt, but for *buying* inſtead of *receiving* Britiſh made ſpirituous liquors of a perſon over whoſe door the words were not painted.

"fier,

"fier, or compounder of ſpirituous liquors," or any of them, as by the ſaid act made in the nineteenth year of the reign of his ſaid majeſty is directed and preſcribed, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute, the ſaid defendants have for their ſaid laſt-mentioned offence forfeited and loſt the further ſum of five hundred pounds: (3d Count ſame as the ſecond with this difference, did procure and employ one Simon French to buy for them and for their uſe: 4th Count ſame as the firſt, did receive for their uſe Britiſh made ſpirituous liquors of Simon French.)

21. G. 3. c. 55. ſ. 37.

GEO. WOOD.

Information for forging a permit and certificate for the removal of foreign brandy for which a permit was neceſſary.

THAT one W. I. after the fifth day of July 1782, to wit, on, &c. A. D. 1783, at, &c. in, &c. did counterfeit and forge, and cauſe to be counterfeited and forged, a permit and certificate for the removal of one hundred and fifty gallons of foreign brandy from one part of this kingdom to another, that is to ſay, from the ſtock of R. W. in London to W. I. at P. in the county of S. ſuch foreign brandy then and there being an exciſeable commodity, for the removal of which as aforeſaid a permit or certificate was required by an act of parliament, which on the thirty-firſt day of October 1780, and long before was, and ever ſince hath been, and ſtill is in force, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid W. I. hath for his ſaid offence forfeited the ſum of two hundred pounds: And the ſaid attorney general who, &c. doth, &c. that the ſaid W. I. after the fifth day of July 1782, to wit, on, &c. A. D. 1783, at, &c. in, &c. did knowingly and willingly publiſh and make uſe of a certain counterfeited and forged permit and certificate, before then counterfeited and forged by ſome perſon or perſons to the ſaid attorney general then and ſtill unknown, for the removal of other one hundred and fifty gallons of foreign brandy from one part of this kingdom to another, that is to ſay, from the ſtock of R. W. in London to the ſtock of W. I. at Preſton, in the county of Suſſex, ſuch foreign brandy then and there being an exciſeable commodity, for the removal of which as aforeſaid a permit or certificate was required by an act of parliament, which on the thirty-firſt day of October 1780, and long before was, and ever ſince hath been, and ſtill is in force, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of, &c.: And the ſaid attorney general who, &c. doth, &c. that the ſaid W. I. after the ſaid fifth of July 1782, to wit, on, &c. at, &c. did knowingly and willingly accept and receive a certain falſe and untrue permit or certificate for the removal of other one hundred and fifty gallons of foreign brandy from one part of this kingdom to another, that is to ſay, from, &c. to, &c. ſuch foreign brandy then and there being an exciſeable commodity, for the removal of which as aforeſaid a permit or certificate was required by an act of, &c. which on, &c. long, &c.

22. G. 3. c. 68. ſ. 26.

2d Count, for knowingly uſing a counterfeited permit.

22. G. 3. c. 68. ſ. 26.

3d Count, for knowingly accepting a forged permit with a quantity of foreign brandy.

4th Count, for knowingly using an untrue permit for the removal of a quantity of brandy from one stock to another.

&c. to accompany such exciseable commodity so to be removed as aforesaid, contrary to, &c. whereby, &c.: And the said attorney general who, &c. doth, &c. that the said W. I. after, &c. to wit, on, &c. at, &c. did knowingly and willingly publish and make use of a false and untrue permit or certificate for the removal of, &c. to accompany other one hundred and fifty gallons of, &c. from, &c. to, &c. that is to say, from, &c. to, &c. such foreign brandy then and there being, &c. for the removal of which as aforesaid a permit or certificate was, &c. contrary, &c. whereby, &c.

GEO. WOOD.

Information against a brandy-dealer, for knowingly receiving a false permit with a quantity of brandy which had been removed from one place to another.

THAT one J. P. late of, &c. in &c. dealer in brandy, after the making of a certain act of parliament, made at the parliament of our lord the now king, at a session thereof holden at Westminster, in the county of Middlesex, in the twenty-third year of his reign, intitled, "An Act," &c. (set out the title) and after the twenty-ninth of September which was A. D. 1783, in that act mentioned, and before the day of exhibiting this information, to wit, on, &c. A. D. 1783, did knowingly and willingly accept and receive a certain false and untrue permit with a certain exciseable commodity, that is to say, a certain large quantity, to wit, two hundred and ninety-three gallons of brandy, which had been then and there removed from one part of this kingdom to another part thereof, and for the removal of which a permit was by a certain act of parliament in force at the making of the said first-mentioned act required, and which said false and untrue permit is in the words and figures following (set out the permit), contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said J. P. hath forfeited the sum of five hundred pounds: And the said attorney general who, &c. doth, &c. that the said J. P. after the twenty-ninth day of September A. D. 1783, and before the day of exhibiting this information, to wit, on, &c. at, &c. knowingly and willingly did publish and make use of a certain other counterfeited, forged, false, and untrue permit for the removal of an exciseable commodity, to wit, brandy, from one part of this kingdom to another part thereof, for the removal of which a permit or certificate was by an act of parliament in force at the making of the first-mentioned act required, and which said last-mentioned counterfeited, false, forged, and untrue permit is in the words and figures following (set out the permit), contrary to, &c. whereby, &c.

23. G. 3. c. 70. s. 10.

2d Count, for knowingly using a counterfeited permit for the removal of brandy.

23. G. 3. c. 70. s. 10.

Information against a dealer in brandy to whom a permit had been granted for the removal of two gallons of brandy, for altering the word two to the word twelve, and the figure two to the figure twelve.

THAT after the making of a certain act of parliament, made at the parliament of our lord the now king, at a session thereof holden at Westminster, in the county of Middlesex, in the twenty-third year of his reign, intitled, "An Act for the

"more effectual preventing the illegal Importation of Foreign "Spirits, and for putting a stop to the private Distillation of "British made Spirituous Liquors, for the explaining such Part of "the Act imposing a Duty on Male Servants as relates to the right "of appeal from the Justices of the Peace to amend and rectify "a Mistake in an Act of the last Session of Parliament with respect "to the removal of Tea from one Part of this Kingdom to other "Parts thereof, and for preventing vexatious Actions against "Officers of Excise acting in pursuance of the Authority given by "Excise Statutes," and after the twenty-ninth day of September 1783, in that act mentioned, and before the day of exhibiting this information, to wit, on, &c. at, &c. in, &c. a certain permit was given and granted by one T. H. the said T. H. then and there being the proper officer of excise for giving and granting the same, whereby one cask of foreign brandy, quantity two gallons, part of the stock of H. S. in the city of York, was permitted and authorized to be removed from the said H. S.'s stock there to J. L.'s stock at M. in the county of York, the said brandy then and there being an exciseable commodity, and for the removal of which a permit was by a certain act of parliament in force at the making of the first-mentioned act of parliament required, and which said permit for the said two gallons of brandy was then in the words, cyphers, and figures following, that is to say (set out the permit), and that the said H. S. late of the city of York, brandy-dealer, after the said permit had been so given and granted as aforesaid, to wit, on, &c. at, &c. did fraudulently alter the said permit by falsely making and altering the word two in the said permit to the word twelve, and by falsely altering and making the number two into the number twelve, whereby the said permit by means of such alterations did import to be a permit for the removal of twelve gallons of brandy, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said H. S. hath forfeited the sum of five hundred pounds: And the said attorney general, who, &c. doth, &c. that after the twenty-ninth of September which was A. D. 1783, and before the day of exhibiting this information, to wit, on, &c. at, &c. a certain other permit was given and granted by one T. H. the said T. H. then and there being the proper officer for giving and granting the same, whereby one cask of foreign brandy, quantity two gallons, part of the stock of H. S. of the city of York, was permitted and authorized to be removed from the said H. S.'s stock there to J. L.'s stock at M. in the county of York, the said brandy then and there being an exciseable commodity, for the removal of which a permit was by a certain act of parliament in force at the making of the said first-mentioned act required, and which said last-mentioned permit for the said two gallons of brandy was then and there in the words, cyphers, and figures following, that is to say (set out the permit), and that some person or persons to the said attorney general at present unknown, after the said permit had been so given and granted

23. G. 3. c. 70. s. 10.

2d Count, that a permit for two gallons had been altered for a permit of twelve, that defendant used the false permit for a true one.

granted as aforesaid, to wit, on, &c. at, &c. did fraudulently alter the same permit by falsely making and altering the word two in the same permit into the word twelve, and by falsely making and altering the number two into the number twelve, whereby the said last-mentioned permit by means of such alterations did import to be a permit for the removal of twelve gallons of brandy: And the said attorney general further gives the court here to understand and be informed, that the said H. S. afterwards, to wit, on, &c. at, &c. the said last-mentioned permit so fraudulently altered as aforesaid, did knowingly and willingly publish as a true permit, contrary to, &c. whereby, &c.

23. G. 3. c. 70. s. 10.

GEO. WOOD.

Information against a foreign brandy dealer who had received British spirits into his possession, for not keeping his British spirits in a separate cellar from his foreign spirits.

THAT C. H. after the twenty-fifth day of March 1722, that is to say, on, &c. at, &c. and long before, was, and from thence hitherto hath been, and still is a dealer in foreign brandy, spirits, and strong waters, to wit, at, &c. in, &c. and that the said C. H. so being such dealer in foreign brandy, spirits, and strong waters as aforesaid, afterwards, to wit, on, &c. at, &c. did receive into his custody a large quantity, to wit, thirty-five gallons of British spirits, yet the said C. H. did not keep the same separate and apart and in a separate cellar or cellars, vault or vaults, or other place or places from his foreign brandy and spirits, but on the contrary thereof, one J. H. one of his majesty's officers of excise, afterwards, to wit, on, &c. at, &c. did discover and find the said British spirits in the cellar of the said C. H. so being such dealer in foreign brandy, spirits, and strong waters as aforesaid, where the said C. H. so being such dealer as aforesaid, then and there had and kept certain large quantities of foreign brandy, spirits, and strong waters, contrary to the form of the statute in that case made and provided; by reason whereof and by force of the said statute the said C. H. hath forfeited for his said offence the sum of seventeen pounds ten shillings, being the sum of ten shillings for every gallon of the British spirits so there found.

8. G. 1. c. 18. s. 11.

GEO. WOOD.

I think it would be proper to add a count for bringing into stock without notice to the officer of excise.

GEO. WOOD.

Information for the condemnation of soap, for that the same was found lodged with intent to defraud his majesty of the duties thereon.

MIDDLESEX, to wit. Be it remembered that R. A. one of the officers of his majesty's revenue of excise, who prosecutes as well for his said majesty as for himself, cometh before the barons of his majesty's exchequer the 27th day of October, in the twenty-sixth year of the reign of king George the Third, in his proper person, and as well for his said majesty as for himself giveth the court here to understand and be informed, that W. W. one of the officers of his majesty's duties of excise, and for the duties on soap, according to the statutes in that case made and provided,

provided, on, &c. entered into a certain workhouse of one T. G. at, &c. in, &c. and did then and there find, seize, take, and carry away as forfeited, six thousand pounds weight of soap, for that the said soap was then and there found lodged with intent to defraud his majesty of the duty chargeable thereon, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said soap became forfeited: And the said W. W. so being such officer as aforesaid, on, &c. at, &c. in, &c. did seize six thousand pounds weight of soap, for that the said soap was then and there found in a private workhouse made use of by the said T. G. a maker of soap, for the making and keeping of soap, for which workhouse no entry had been made or notice given at the office for the duties on soap next to the place where the said soap was made, as by the statute in that case made and provided are required, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said soap became forfeited and lost: And also for that the said soap was then and there found in a private boiling-house made use of by the said T. G. being a maker of soap, for the keeping and boiling oil, tallow, pot-ash, lime, and other materials proper to be made into soap, for which no entry had been made or notice given at the office for the duties on soap next to the place where the said soap was made, contrary to the form of, &c. whereby and by force of the said statute the said soap became forfeited and lost; wherefore the said R. A. as well for his said majesty as for himself prayeth the consideration of the court in the premises, and that the said soap so seized and arrested as aforesaid may for the reasons aforesaid remain forfeited.

5. G. 3. c. 43. s. 22.

2d Count, for that the same was found in a private workhouse used by a maker of soap for keeping and making soap, of which no entry had been made or notice given. 6. An. c. 19. s. 19.

3d Count, for being found in a boiling-house used for boiling materials for making soap, of which no entry had been made or notice given. 10. Ann, c. 19, s. 19.

GEO. WOOD.

THAT after the twentieth of September 1784, and before the day of exhibiting this information, to wit, on, &c. defendants were makers of hard soap, and being such makers of hard soap, they the said defendants, after the twentieth day of September 1784, and before the day of exhibiting this information, to wit, on, &c. at, &c. did sell a large quantity, to wit, five hundred pounds weight of hard soap in other shapes and forms than the shapes or forms of cakes or bars, and not being what was commonly called or known by the name of ball soap, contrary to the form of, &c. whereby and by force of the said statute the said defendants have forfeited for their said offence the sum of one hundred pounds: And the said attorney general who, &c. doth, &c. that the said defendants being such makers of hard soap as aforesaid after the twentieth of September 1784, and before the day of, &c. to wit, on, &c. at, &c. did cut up for sale a large quantity, to wit, one thousand pounds weight of hard soap which had been put into frames, from a boiling of hard soap made by them the said defendants, and that a large quantity, to wit, five hundred pounds weight of scraps and parings of hard soap was made from the

Information against makers of hard soap, for selling hard soap in other shapes and forms than the shapes or forms of cakes or bars, and not being ball soap. 24. G. 3. c 48. s. 14.

2d Count, for not returning scraps and parings of hard soap into the copper in the presence of the officer.

the ſaid cutting up the ſaid one thouſand pounds weight of hard ſoap for ſale, yet the ſaid defendants did not return the ſaid ſcraps and parings into the copper or boiler in the preſence of the officer immediately after the ſaid one thouſand pounds weight of hard ſoap had been cut up for ſale from the ſaid frames into which it had been put from the ſaid boiling ſo by them the ſaid defendants made as aforeſaid, according to the form of, &c. whereby, &c.

GEO. WOOD.

Information againſt a maker of ſoap for hiding and concealing ſoap with intent to defraud the king of his duties.

THAT one J. W. after the ſixteenth day of April, A. D. 1786, and before the day of exhibiting this information, to wit, on, &c. A. D. 1786, at, &c. was a maker of ſoap, and that the ſaid J. W. ſo being ſuch maker of ſoap as aforeſaid, on, &c. at, &c. in, &c. did fraudulently hide and conceal, and cauſe to be hid and concealed a large quantity, to wit, two hundred and thirty pounds weight of ſoap, chargeable with certain duties by an act of parliament made in the tenth year of the reign of our late ſovereign lady queen Anne (amongſt other things) for laying ſeveral duties upon all ſoap made in Great Britain or imported into the ſame, and by another act of parliament made in the twelfth year of the reign of her ſaid late majeſty (amongſt other things) for laying additional duties upon ſoap, to the intent to deceive his majeſty of the juſt duties by the ſaid acts granted, contrary to the form of the ſtatute in that caſe made and provided, by reaſon whereof and by force of the ſaid ſtatute the ſaid J. W. hath forfeited for his ſaid offence the ſum of five hundred pounds: And the ſaid attorney general who, &c. (2d Count for hiding, &c. a large quantity of "materials" for making of ſoap "chargeable:") And the ſaid attorney general who, &c. doth, &c. that the ſaid J. W. ſo being ſuch maker of ſoap as aforeſaid within the time aforeſaid, to wit, on, &c. at, &c. did make uſe of a certain workhouſe for the *making* of ſoap without giving notice thereof in writing at the office for the duties on ſoap next to the place where the ſaid laſt-mentioned ſoap was made, contrary to the form of the ſtatute, &c. whereby, &c.: And the ſaid attorney general who, &c. (4th Count ſame as third, but for "*keeping*" inſtead of "making" ſoap): And the ſaid attorney general who, &c. doth, &c. that the ſaid J. W. after the twenty-fourth day of June 1777, and before the day of exhibiting, &c. to wit, on &c. did make a large quantity, to wit, two hundred and thirty pounds weight of ſoap, which ſoap according to the ſtatute in that caſe made and provided, he the ſaid J. W. being the maker of the ſaid laſt-mentioned ſoap, or his chief workman or ſervant employed in making the ſame ought to have entered in writing on oath at the next office for the duties on ſoap; yet the ſaid J. W. not regarding the ſtatute in that caſe made and provided, did not make, nor did his chief workman or ſervant employed in making the ſame make a true entry in writing at the next office for the duties

1. G. 1. ſtat. 2. c. 36. ſ. 14.

2d Count, for hiding a quantity of materials.

3d Count, for uſing a warehouſe for making of ſoap without notice.

10. Ann, c. 19. ſ. 6.

4th Count, ſame as third nearly.

5th Count, for not making entry by himſelf or ſervant in writing on oath of a quantity of ſoap made by defendant within the week in which the ſame was made.

on

on soap, of the said last-mentioned soap by him made within the week in which the said last-mentioned soap was made, according to the form of the statute, &c. whereby, &c.

17 G. 3. c. 52. s. 3.

GEO. WOOD.

Information against makers of hard soap, for opening a copper used in making soap, after the same had been locked and sealed down by the officer of excise, and before the same was opened by the officer of excise.

THAT the defendants, at the time of the committing of the offence next hereinafter mentioned, were makers of hard soap, and being such makers of hard soap as aforesaid, they the said defendants after the twenty-fourth of June 1772, and before the day of exhibiting of this information, to wit, on, &c. at, &c. did by a certain art, device, or contrivance, open and cause to be opened a certain copper of them the said defendants, and by them the said defendants then and there used in the boiling and making soap, after the same had been securely locked and sealed down by the officer of excise, and before the same had been unlocked and opened by the officer of excise in that behalf, contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute the said defendants, so being such makers of hard soap, have for their said offence forfeited the sum of one hundred pounds: And the said attorney general who, &c. doth, &c. that the said defendants, after the twenty-fourth day of June 1777, to wit, on, &c. at, &c. did by a certain art, device, and contrivance, open the furnace-door of a certain copper then of them the said defendants, they the said defendants then and there being makers of hard soap, and the said last-mentioned copper being then and there used by them the said defendants for the boiling and making soap after the same had been locked and secured by the officer of excise who surveyed them, the said defendants so being such makers of hard soap as aforesaid, and before the same had been unlocked and opened by the officer of excise, contrary to the form of the statute, &c. whereby, &c.: And the said attorney general who, &c. doth, &c. that the said defendants, at the time of the committing of the offences hereinafter mentioned, were makers of soap chargeable with certain rates and duties payable to the use of his said majesty: And the said defendants so being such makers of soap as last aforesaid, they the said defendants, after the twenty-fourth day of June 1725, and before the day of exhibiting of this information, to wit, on, &c. at a place out of the weekly bills of mortality, to wit, at, &c. in, &c. did begin to make and work upon a making of soap without first giving to the officer of the division or place where such making of soap was intended to be made, and was so begun to be made and worked upon as aforesaid, a notice in writing by the space of twenty-four hours next before the beginning of such making of the particular time and hour when and which such making was intended to be begun, contrary to the form of the statute, &c. whereby, &c.

12. G. 3. c. 46. s. 7.

17 G. 3. c. 52. s. 8.

2d Count, for beginning to make and work upon a making of soap out of the weekly bills without notice.

11. G. 1. c. 30. s. 33.

GEO. WOOD.

THAT

Information against a maker of soap for removing and sending away soap of which no account had been taken by the proper officer, without giving two days notice of his intention, that the officer might have had time to take an account of the same.

10. Ann, c. 19. § 16.

THAT one J. E. after the tenth of June 1712, and before the day of exhibiting of this information, to wit, on, &c. at, &c. was a maker of soap, and being such maker of soap as aforesaid, he the said J. E. did remove, carry, and send away, and suffer to be removed, carried, and sent away a large quantity, to wit, two hundred pounds weight of soap by him made in Great Britain out of the limits of the weekly bills of mortality, of which said last-mentioned soap no account had been first taken by the proper officer for the duties on soap from the place where the said last-mentioned soap had been made, without giving to the proper officer or officers two days notice at the least of his the said J. E's intention to remove, carry, and send away the said last-mentioned soap, that so the officer (without his wilful neglect or default) might have had time to have gauged, weighed, or otherwise have taken an account of such soap, contrary to the form of the *statute* in that case made and provided; whereby and by force of the said statute the said J. E. hath for his said offence forfeited the sum of twenty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said J. E. before and at the time of committing the offence hereinafter mentioned was a maker of hard soap, and the said J. E. so being such maker of hard soap as aforesaid, he the said J. E. after the fifth day of July 1765, and before the day of, &c. to wit, on, &c. at, &c. did make use of a certain vessel called a tub for the cleaning and putting his the said J. E's soap into when taken out of the copper or other utensil where the same was boiled and prepared, such vessel not being a regular square or oblong frame, contrary to the form of the *statute*, &c. whereby, &c.

2d Count, for making use of a vessel called a tub for putting soap into when taken out of the copper, the vessel not being a square or oblong vessel.

5. G. 3. c. 43. § 19.

Information against a maker of hard soap for making hard soap before he had found a sufficient cover to a copper wherein he made hard soap.

5. G. 3. c. 43. § 15.

THAT the defendant after the fifth day of July 1765, and before the day of exhibiting of this information, to wit, on, &c. was a maker of hard soap, and being such maker of hard soap as aforesaid, he the said defendant did presume to make hard soap before he had found, provided, and affixed a sufficient wooden cover (approved of in writing by and under the hand writing of the surveyor or supervisor of excise of the division or district in which he the said defendant resided) to a certain copper wherein he boiled or made such hard soap, contrary to the form of the *statute*; whereby and by force of the said statute the said defendant hath for his said offence forfeited the sum of twenty pounds: And the said attorney general who, &c. doth, &c. that the said defendant so being such maker of hard soap as aforesaid, after the said fifth day of July 1765, to wit, on, &c. at, &c. A. B. being the surveyor or supervisor of excise of the division or district in which the said defendant resided, provided necessary fastenings for securing a certain copper of the said defendant, wherein the said defendant boiled and made hard soap, according to the form of the statute in that case made and provided; and that the said G. I. did

2d Count, that an officer had provided fastenings for securing a copper in which defendant boiled hard soap and paid for the same, but defendant refused to pay for such fastenings.

did then and there necessarily expend in providing such fastenings a certain sum of money, to wit, the sum of four shillings of lawful money of Great Britain, whereof the said defendant afterwards, to wit, on, &c. there had notice from the said E. J. and was then and there required by the said G. J. to pay for the same, yet the said defendant, not regarding the statute in that case made provided, hath not paid for such fastenings, but then and there refused to do, contrary to the form of the *statute* in that case made and provided; whereby, &c. 5. G. 3. c. 43. s. 15.

Information against a maker of hard soap for using a frame for putting soap into when taken out of the copper, such frame not being a regular square or oblong frame, and exceeding statute dimensions.

THAT one J. J. on, &c. A. D. 1778, and long before was, and from thence hitherto hath been, and still is a maker of hard soap, chargeable with duties to his majesty by virtue of the statutes in that case made and provided, to wit, at, &c. in, &c.; and that the said J. J. being such maker of hard soap as aforesaid, after the fifth day of July 1765, to wit, on, &c. at, &c. did make use of a certain frame for the cleansing and putting his soap into when taken out of the copper or other utensil where the same was boiled and prepared, such frame not being a regular square or oblong frame, and also such frame at the time of making use thereof exceeding and being more than forty-five inches in length, and fifteen inches in the breadth thereof, contrary to the form of the *statute* in such case made and provided; whereby and by force of the said statute the said J. J. hath forfeited the sum of twenty pounds. 5. G. 3. c. 43. s. 19.

Information against makers of hard soap for damping and drawing the fire from under a copper which had been used in the boiling of soap, and of which an excise officer was about to lock and fasten the furnace door, but the defendant refused to permit the officer to lock and fasten the same, and hindered him in locking it.

THAT defendants after the twenty-fourth of June 1777, and before the exhibiting this information, to wit, on, &c. at, &c. were makers of hard soap, and being such makers of hard soap, they the said defendants afterwards, to wit, on, &c. at, &c. did damp and draw the fire from under a certain copper which had been used by them the said defendants; and thereupon so soon as the said fire was dampt and drawn from under such copper, one J. G. he the said J. G. then and there being the officer of excise who surveyed the said defendants, so being such soap-makers as aforesaid, afterwards, to wit, on, &c. at, &c. was then and there about to securely lock and fasten the furnace door of the said copper with certain locks, keys, and fastenings which had been before that time duly provided by the respective surveyor or supervisor of excise of the district wherein the said defendants resided, for securing such copper; yet the said defendants not regarding the statute in that case made and provided, did refuse to permit the said J. G. so being such officer of excise who surveyed the said defendants, to lock and secure the furnace door of the said copper with such locks, keys, and fastenings as aforesaid, and did hinder the said J. G. in locking and securing the same therewith, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said defendants 17. G. 3. c. 52. s. 7.

fendants hath for their ſaid offence forfeited the ſum of fifty pounds: And the ſaid attorney general who, &c. doth, &c. that the ſaid defendants after the twentieth of September 1786, and before the exhibiting this information, to wit, on, &c. at, &c. were makers of hard ſoap, and being ſuch makers of hard ſoap, they the ſaid defendants afterwards, to wit, on, &c. did obſtruct and hinder the ſaid J. G. he the ſaid J. G. then and there being the officer of exciſe who ſurveyed the ſaid defendants as ſuch makers of ſoap as aforeſaid, in ſecuring, locking, faſtening, and ſealing down a certain cover of a certain copper of them the ſaid defendants, ſo being ſuch makers of hard ſoap by them uſed for the boiling and making ſoap, which the ſaid J. G. was then and there about to do in the execution of the power and authority to him given by the ſtatute in that caſe made and provided, the ſame copper not then being at work nor opened for repairing the ſame, nor for the inſpection of any officer or officers of exciſe, contrary to the form of the *ſtatute*, &c.; whereby, &c.

24. G. 3. c. 48. ſ. 9.

G. WOOD.

Information againſt defendant, who with his partner, had a boil of ſoap in operation, for offering a bribe to an officer to allow defendants to take ſoap out of the copper and clandeſtinely to remove the ſame, and afterwards giving the officer a guinea.

THAT one W. C. after the twenty-fourth day of June 1725, and before the day of exhibiting of this information, to wit, on, &c. at, &c. was an officer of our lord the king of and for the duties due and payable to our ſaid lord the king for and in reſpect of ſoap made in Great Britain, duly conſtituted and appointed, to wit, at, &c. in, &c.; and that one J. K. and the defendant at the ſame time were makers of ſoap in Great Britain, liable to the payment of certain duties to our ſaid lord the king for and in the reſpect of ſoap by them made as aforeſaid, to wit, at, &c.; and the ſaid J. K. and defendant ſo being ſuch makers of ſoap as aforeſaid, afterwards, to wit, on, &c. at, &c. had in operation a boiling of ſoap in a certain copper of them the ſaid J. K. and defendant, liable to the payment of duties to our ſaid lord the king; yet the ſaid defendant well knowing the premiſes, but being a perſon of a wicked and corrupt mind, and having no regard for the laws and ſtatutes of this realm, nor fearing the penalties therein contained, but unlawfully, wickedly, and corrruptly deviſing, deſigning, and intending to defraud our ſaid the king for his duties on ſoap, after the twenty-fourth day of June 1725, and before the day of exhibiting of this information, to wit, on, &c. at, &c. in order to corrupt, perſuade, and prevail upon the ſaid W. C. ſo being ſuch officer as aforeſaid, to allow the ſaid defendant to take ſoap out of the ſaid copper, and to convey the ſame clandeſtinely away, with intent to defraud his ſaid majeſty of the duties impoſed by the ſtatute in that caſe made and provided for and in reſpect of ſuch ſoap, contrary to the duty of the ſaid W. C. did offer to give to the ſaid W. C. ſo being officer as aforeſaid, a certain bribe, gratuity, and reward; and the ſaid defendant did afterwards, to wit, on, &c. at, &c. accordingly give to the ſaid W. C. ſo being ſuch officer as aforeſaid, a certain bribe, gratuity, and reward,

reward, that is to say, the sum of one guinea, contrary to the form of the *statute* in that case made and provided; whereby and by force of the said statute the said defendant hath for his said offence forfeited the sum of five hundred pounds: *And* the said attorney general who, &c. doth, &c that the said W. C. so being such officer for the duties due and payable to our said lord the king for and in respect of soap made in Great Britain as aforesaid; and the said J. K. and defendant, so being such makers of soap in Great Britain, liable to the payment of duties to our said lord the king for and in respect of soap made by them made as aforesaid; and the said J. K. and defendant so then and there having in operation the said boiling of soap in the said copper of them the said J. K. and defendant, liable to the payment of duties to our said lord the king, he the said defendant well knowing, &c. but being a person of, &c. and having no regard for, &c. nor fearing, &c. unlawfully, &c. to defraud our said lord the king of his duties on soap, after the said twenty-fourth day of June 1725, and before the day of exhibiting of this information, to wit, on, &c. at, &c. in order to corrupt, persuade, and prevail upon the said W. C. so being such officer as aforesaid, to connive at a fraud relating to the said duties on soap which the said defendant was then and there about to commit, by taking soap out of the said copper and clandestinely carrying away the same, whereby his said majesty would be defrauded of his duties thereon, contrary to the duty of the said W. C. did offer to give to the said W. C. so being such officer as aforesaid, a certain bribe, gratuity, and reward; and the said defendant did afterwards, to wit, on, &c. at, &c. accordingly give, &c. (as the 1st Count to the end): *And* the said attorney general who, &c. doth, &c. that the said W. C. so being such officer for the duties due and payable to our said lord the king for and in respect of soap made in Great Britain as aforesaid; and the said J. K. and defendant so being such makers of soap in Great Britain, liable to the payment of certain duties to our said lord the king for and in respect of soap made by them as aforesaid; and the said J. K. and defendant so then and there having in operation the said boiling of soap in the said copper of them the said J. K. and defendant, liable to the payment of duties to our said lord the king, he the said defendant well knowing, &c. but being a person of, &c. and having no regard for, &c. nor fearing, &c. but unlawfully, &c. to defraud our said lord the king of his excise on soap, after the twenty-fourth day of June 1725, and before the day of exhibiting, &c. to wit, on, &c. at, &c. in order to corrupt, persuade, and prevail upon the said W. C. so being such officer as aforesaid, to connive at and conceal a fraud relating to the said duties which the said defendant had then and there committed, by taking soap out of the said copper and clandestinely removing the same to defraud his majesty of the duties payable thereon, contrary to the duty of the said W. C. did give to the said W. C. so being such officer as aforesaid, a certain bribe, gratuity, and reward, that is to say, the sum of one

11. G. 1. c. 30 s. 40.

2d Count, same as the 1st; but for offering a bribe to an officer to prevail on him to connive at a fraud which defendant was about to commit, by taking soap out of the copper and clandestinely removing the same, and giving the officer a guinea.

3d Count same as 2d; but for offering a bribe to an officer to prevail on him to connive at a fraud which defendant had committed, by taking soap out of the copper and removing the same.

4th Count, same as 3d nearly.

one guinea, contrary to the form of, &c. whereby, &c.: And the said attorney general who, &c. doth, &c. (4th Count same as 3d, but stating the fraud to have been committed by the defendant and J. K.): And the said attorney general who, &c. doth, &c. that the said J. K. and defendant being such soap-makers as aforesaid, he the said defendant being a person of a wicked and corrupt mind, and having no regard for, &c. nor fearing, &c. after the first day of October 1784, and before the day of, &c. to wit, on, &c. did give a certain bribe, recompence, and reward to the said W. C. that is to say, the sum of one guinea to him the said W. C. to conceal and connive at the said defendants having clandestinely removed and carried away part of a boiling of soap of them the said J. K. and defendant before any duties had been charged upon, and with an intent to defraud his said majesty of such duties, whereby the provisions made by the statutes relative to his majesty's excise, imposing duties on soap made in Great Britain, might be and were evaded and broken, contrary to the form of the *statute*, &c. whereby, &c.: And the said attorney general who, &c. (6th Count like the 5th, stating the officer's concealing at defendants, and J. K's clandestine removal of goods.)

5th Count, for bribing an officer to conceal a fraud defendant had committed by taking soap out of the copper and removing the same, whereby the provisions relative to soap might be and were evaded and broken.

24. G. 3. c. 47. s. 52.

GEORGE WOOD.

Mich. Term, 30. Geo. III.

Information for condemning sword blades and scabbards, being utensils of war imported without licence.

MIDDLESEX, to wit. Be it remembered that sir Archibald Macdonald, knight, his majesty's attorney general, who prosecutes for his said majesty, being present here in court on the sixth of November in this same term, doth on the behalf of his said majesty inform this court, that A. R. and J. B. officers of his said majesty's customs, between the first day of December 1786, and the day of exhibiting this information, at, &c. in, &c. within the port of London, did seize and arrest for the use of his said majesty as forfeited several parcels of sword blades and scabbards of the goods and merchandizes of merchants unknown; for that the same being utensils of war, were within the time aforesaid imported and brought from parts beyond the seas into Great Britain, to wit, to, &c. in, &c. within the port of London aforesaid, by way of merchandize without licence from his majesty in that behalf first had and obtained, contrary to the form of the *statute* in that case made and provided; by reason whereof the said several parcels of sword blades and scabbards became forfeited; wherefore his majesty's said attorney general on the behalf of his said majesty prayeth the consideration of this court in the premises, and that the said several parcels of sword blades and scabbards may for the reasons aforesaid remain forfeited, according to the form of the statute in that case made and provided.

1. Jac. 2. c. 8. s. 62. Sword blades only.

Information recited.

MIDDLESEX. Be it remembered that sir Archibald Macdonald, knight, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the sixth day of November,

November, in this same term, doth, &c. (set out the whole of the information to the end): Whereupon proclamation being made here in court for his said majesty as usual, that if any one would inform the court here why the said goods and merchandizes should not for the reasons aforesaid remain forfeited, he might come and he should be heard; and no one appearing to do this the court directs that it be given in charge to T. P. and T. A. gentlemen, his majesty's commissioners in the port of London, by a writ of his present majesty, under the seal of this exchequer, to cause the said goods to be justly and faithfully valued and appraised, on the oaths of good and lawful men of the county of Middlesex, and to cause an indenture thereof to be made, so that they should return a counterpart of the said indenture here, &c. to be delivered to the court here; and it is commanded the said officers in form as aforesaid, so as, &c. on the sixth of November, in this term, at which day the said T. A. and T. P. return here the said writ, together with an indenture annexed thereto, which are on the file of writs executed for his said majesty of this term in the office of the remembrancer, the tenor of which indenture is as follows: This indenture, made the second day of November A. D. 1789, and in the thirtieth year of the reign of our sovereign lord George the Third, by the grace of God of, &c. witnesseth that we T. P. and T. A. his majesty's commissioners in the port of London, by a virtue of a writ from his majesty's court of exchequer to us directed and hereunto annexed, have upon the corporal oaths of R. S. and J. J. lawful men of the county of Middlesex, viewed, numbered, weighed, valued, and appraised the goods hereinafter mentioned (to wit), the following goods being appraised are to be publicly sold or burnt by order of the honourable commissioners of his majesty's customs, and in pursuance of an act of parliament of the third year of the reign of his present majesty, number, date, officers where seized, and for what cause forfeited, package, quantity, quality, and species of goods, value appraised at, total amount of each seizure, l. s. d. six hundred and forty, May eighth, 1789, Alexander Ramsay, John Barnes on board, prohibited one box, one hundred and sixty-eight sword blades and scabbards, all sixty-eight pounds, 68*l.*; nine hundred and four, June thirtieth, Alexander Ramsay Body, ditto, concealed ninety-seven ostrich feathers, thirty plumes of ditto, all twenty-eight pounds fourteen shillings, 28*l.* 14*s.*; seven hundred and sixty-four pounds twelve shillings, Alexander Sabarg, ditto, ditto, three pieces of nankeen cloth, two damaged, all two pounds eight shillings, 2*l.* 8*s.*; one box three pounds and a half of rhubarb, all one pounds one shilling, 1*l.* 1*s.*; 103*l.* 3*s.* total amount of goods appraised, and to be publicly sold or burnt as above mentioned, is one hundred pounds three shillings: In witness whereof we have hereunto interchangeably set our hands and seals the day and year first above written; Richard Snow, (L. S.)

Proclamation.

Writ of appraisement.

Indenture of appraisement set out.

3. G. 3.

James Tipson, (L. S.) Thomas Pearce, (L. S.) Thomas Alderton, (L. S.): Whereupon proclamation being again made here in court for his said majesty, as is usual, that if any one would inform the court here why the said goods and merchandize, parcel of the said goods and chattels in the said indenture of appraisement specified, and in the said information also mentioned, should not for the reasons aforesaid remain forfeited, he might come and he should be heard: And thereupon one Michael Beaggini appears here by Craven Ord, his clerk, in court, and claims the property of the goods in the said information mentioned, parcel of the said goods and chattels in the said indenture of appraisement specified to belong to him, and prayeth oyer of the said information, and it is read to him; which being read, and by him heard and understood, he complained to have been grievously vexed and molested under colour of the premises; and this the less justly, because protesting that the said information and the matters therein contained are insufficient in law, whereto he hath no need, nor is he bound by the law of the land to answer; nevertheless for plea the said Michael Biaggini saith, that the said goods in the said information mentioned, parcel of the said goods and chattels in the said indenture of appraisement specified, were not nor was any part thereof brought and imported from parts beyond the seas into Great Britain, contrary to the form of the statute in that case made and provided, in manner and form as by the information is alledged; and of this he putteth himself upon the country, and the said attorney general likewise; therefore the court directs than an inquisition be taken in the premises.

2d Proclamation.

Claim.

Oyer of information.

Protestando.

Plea.

Information against makers of stone-blue for receiving into their possession loose starch.

MIDDLESEX, to wit. Be it remembered that sir Archibald Macdonald, knight, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the first day of July, in this same term, in his proper person, doth on behalf of his said majesty give the court here to understand and be informed, that George Adams and James Mylne, long before and at the time of committing the several offences hereinafter-mentioned, were makers of stone-blue for sale, to wit, at Westminster, in the said county of Middlesex; and the said George Adams and James Mylne so being such makers of stone-blue for sale as aforesaid, they the said George Adams and James Mylne after the twenty-fourth day of June 1786, and before the day of exhibiting this information, and whilst they were such makers of stone-blue for sale as aforesaid, that is to say, on the thirty-first day of January 1789, to wit, at Westminster aforesaid, in the said county, did receive into their possession a large quantity, to wit, six hundred pounds weight of loose starch, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said George Adams and James Mylne have for their said offence forfeited ten shillings for every pound

26. G. 3. c. 51. s. 24.

pound weight of ſuch looſe ſtarch ſo received into their poſſeſſion as aforeſaid, amounting in the whole to a large ſum of money, to wit, to the ſum of three hundred pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid George Adams and James Mylne ſo being ſuch makers of ſtone-blue for ſale as aforeſaid, they the ſaid George Adams and James Mylne afterwards, and after the ſaid twenty-fourth day of June 1786, and before the day of exhibiting this information, whilſt they were ſuch makers of ſtone-blue for ſale as aforeſaid, to wit, on the ſaid thirty-firſt day of January, in the ſaid year of Our Lord 1789, to wit, at Weſtminſter aforeſaid, in the ſaid county, did receive into their poſſeſſion a large quantity, to wit, ſix hundred pounds weight of ſcrapings of ſtarch, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid George Adams and James Mylne have for their ſaid laſt-mentioned offence forfeited the further ſum of ten ſhillings for every pound weight of ſuch ſcrapings of ſtarch ſo received into their poſſeſſion as aforeſaid, amounting in the whole to another large ſum of money, to wit, the ſum of other three hundred pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid majeſty further give the court here to underſtand and be informed, that the ſaid George Adams and James Mylne ſo being ſuch makers of ſtone-blue for ſale as aforeſaid, they the ſaid George Adams and James Mylne after the twenty-fourth day of June 1786, and before the day of exhibiting this information, whilſt they were ſuch makers of ſtone-blue for ſale as aforeſaid, to wit, on the ſaid thirty-firſt day of January 1789, to wit, at Weſtminſter aforeſaid, in the ſaid county, did receive into their poſſeſſion a large quantity, to wit, ſix hundred pounds weight of ſtarch in papers not ſtamped as by the ſtatute in that caſe made and provided is required, contrary to the form of the ſtatute in that caſe made and provided; whereby and by force of the ſaid ſtatute the ſaid George Adams and James Mylne have for their ſaid laſt-mentioned offence forfeited the further ſum of ten ſhillings for every pound weight of ſuch laſt-mentioned ſtarch ſo received into their poſſeſſion in papers not ſtamped as aforeſaid, amounting in the whole to another large ſum of money, to wit, to the ſum of other three hundred pounds; wherefore his majeſty's ſaid attorney general on behalf of his ſaid majeſty prayeth the conſideration of this court in the premiſes, and that the ſaid ſeveral ſums of money ſo forfeited by the ſaid George Adams and James Mylne in the behalf aforeſaid may be adjudged to his ſaid majeſty; and that the ſaid George Adams and James Mylne may appear here in court to anſwer concerning the ſaid ſeveral offences and concerning the ſaid ſeveral ſums of money.

2d Count, for receiving into their poſſeſſion ſcrapings of ſtarch.

3d Count, for receiving into their poſſeſſion ſtarch in papers not ſtamped as the ſtatute requires.

Issue on the plea of not Guilty.

Middlesex. Be it remembered that, &c. (set out the whole of the information): Whereupon it is determined that the said George Adams and James Mylne be commanded by a writ of our lord the king under the seal of this exchequer for their appearance here, and this under the penalty of one hundred pounds, which if they do not, and so forth; and the said George Adams and James Mylne are commanded in form aforesaid, so as and so forth, on the morrow of All Souls; at which day the said George Adams and James Mylne appear here by William Lane, their clerk, in court, and pray oyer of the said information, and it is read to them; which being read, and by them heard and fully understood, they complain to have been grievously vexed and molested under colour of the premises; and this the less justly, because protesting that the said information and the matters therein are insufficient in the law, whereto they need not nor are they bound by the law of the land to answer; for plea nevertheless the said George Adams and James Mylne say, that they are not, nor is any of them guilty of all, any, or either of the offences in the said information specified, by them supposed to have been committed, contrary to the form of the statute in the said information mentioned in manner and form as in and by the said information is charged, and of this they put themselves, and each of them putteth himself on the country, and his majesty's said attorney general likewise; therefore let an inquisition be taken in the premises.

To Mr. Thomas Jee and Mr. William Dunn, officers of excise.

(a) Notice of action for seizing a quantity of hair-powder.

I DO hereby, as and for Mr. William Wilkie, of Haddington, in the county of East Lothian, in that part of Great Britain called Scotland, hair powder maker (according to the statute in such case made and provided), give you notice of his intention to bring, and that he will by me his attorney at or soon after the end of one *calendar* month from your being served with this notice, bring an action against you in his majesty's court of king's bench or common pleas, at Westminster, in the county of Middlesex, for your having on or about the twenty-eighth day of June last seized, taken, and carried away divers goods and chattels of him the said William Wilkie, to wit, three thousand pounds weight of hair powder and two casks containing the same of large value, to wit, of the value of one hundred pounds, and kept and detained the same from thence hitherto, and converted and disposed thereof to their own and otherwise than to the use of the said William Wilkie, whereby he hath been hindered and prevented from selling and disposing of the same, and hath wholly lost and been deprived of all profit, benefit, and advantage that would have arisen and accrued to him from such sale, as well as

(a) The following are Civil Proceedings removed from the other courts to the plea side of the exchequer, and relating to the Excise.—I have added them here for practical use.

otherwise

otherwise been injured in his trade and business. Dated this twenty-eighth day of July 1789.

Yours, &c. A. B.
of Ely-place, near Holborn, in the county of Middlesex, attorney of and for the above-named William Wilkie.

The *notice* must be served one *calendar* month before action commenced, and the *action* must be commenced within three *lunar* months.

Declaration (in trespass) for seizing hair powder and casks, and keeping and detaining the same.

Middlesex, to wit. Thomas Jee (served by the name of Thomas Gee) and William Dunn were attached to answer William Wilkie of a plea wherefore the said Thomas and William Dunn, of the parish of Saint Botolph Aldgate, in the county aforesaid, seized, took, and carried away the goods and chattels of the said William Wilkie, of a large value, there found and being, and kept and detained the same, and caused and procured the same to be kept and detained for a long space of time, whereby the said William Wilkie hath for and during that time been hindered and prevented from selling and disposing of the said goods and chattels, and hath wholly lost and been deprived of all profit, benefit, and advantage that would have arisen and accrued to him from such sale, and hath been also thereby otherwise greatly injured and damnified in his trade and business of a starch and hair powder maker, to wit, at the parish aforesaid, in the county aforesaid; and also wherefore the said Thomas Jee and William Dunn, at the parish aforesaid, in the county aforesaid, with force and arms, &c. seized, took, and carried away other goods and chattels of the said W. W. of a large value, there found and being, and converted and disposed thereof to their own use, and other wrongs to the said W. W. did, to the great damage of the said W. W. and against the peace of our said lord the now king, &c.: And thereupon the said W. W. by A. B. his attorney, complains that the said Thomas and William Dunn, on the twenty-eighth day of June last, at the parish of Saint Botolph, Aldgate, in the said county, with force and arms, seized, took, and carried away the goods and chattels, to wit, three thousand pounds weight of hair powder, and three thousand pounds weight of other powder, and two wooden casks containing the same, of the said W. W. of a large value, to wit, of the value of one hundred pounds, there then found and being, and kept and detained the same, and caused and procured the same to be kept and detained for a long space of time, to wit, from thenceforth hitherto, whereby the said W. W. had been for and during all that time hindered and prevented from selling and disposing of the said goods and chattels, and hath wholly lost and been deprived of all profit, benefit, and advantage that would have arisen and accrued to him from such sale, and hath been also thereby otherwise greatly injured and damnified in his trade

and

and business of a starch and hair powder maker, to wit, at the parish aforesaid, in the county aforesaid: And also that the said Thomas Jee and William Dunn, on the same day and year aforesaid, at the parish aforesaid, in the county aforesaid, with force and arms, &c. seized, took, and carried away other the goods and chattels, to wit, three thousand pounds weight, &c. of the said W. W. of a large value, to wit, of the value of one hundred pounds, there then found and being, and converted and disposed thereof to their own use, and other wrongs to the said W. W. there then did, to the great damage of him the said W. W. and against the peace of our said lord the king; wherefore the said W. W. saith that he is injured, and hath sustained damage to the value of three hundred pounds, and therefore he brings his suit, &c.

2d Count, for converting the same.

In the exchequer.

WILLIAM WILKIE, plaintiff,
and
THO. JEE and WM. DUNN, defendants.

Notice of applying to have this cause, removed into the plea side of the exchequer.

Take notice that this honourable court will be moved on Tuesday next, or so soon after as counsel can be heard, that the action above mentioned, brought in his majesty's court of common pleas, at Westminster, may be removed from thence into the office of pleas of this court, and that all further proceedings thereon may be staid until the determination of the information now depending, touching the seizure of the starch or hair powder in question. Dated this thirteenth day of November 1789.

Yours, &c.

M. W. MAYOW.
Solicitor for the defendants.

To A. B. attorney or agent for the plaintiff.

Subpœna and order of removal, with stay of proceedings.

George the Third, &c. to William Wilkie and your attorney or solicitor, greeting: We command and strictly enjoin you, that all excuses apart, you fulfil, do, and perform all and every the matters and things specified and contained in a certain order of our court of exchequer, at Westminster, made this day, the tenor of which order, for your better information in the premises, we have sent you hereto annexed; and this you omit not under the penalty of one hundred pounds, which if you neglect this our command we shall cause to be levied to our use on your goods and chattels, lands, and tenements. Witness Sir James Eyre, knight, at Westminster, the seventeenth day of November, in the thirtieth year of our reign. By the said order and by the barons.

ELLIOT.

In

In a certain book of orders of this exchequer, to wit, among the orders of Michaelmas term, in the thirtieth year of the reign of king George the Third, the page, remaining in the ſaid exchequer, and there in the cuſtody of the king's remembrancer, is contained as follows, to wit.

Tueſday, ſeventeenth day of November 1789.

Between { WILLIAM WILKIE, plaintiff, and Tho. JEE and WM. DUNN, defendants.

Order of removal.

Upon the motion of George Lewis Newnham, eſquire, one of his majeſty's counſel on behalf of the above-named defendants, informing the court that the defendant Thomas Jee being by virtue of a commiſſion or conſtitution under the hands and ſeals of the major part of the commiſſioners of exciſe, bearing date the fifteenth day of January 1771, appointed to the office or employment of an officer or gauger of exciſe, and other duties under the management of the commiſſioners of exciſe, and that the ſaid Thomas Jee had ever ſince ſuch his appointment to the ſaid office continued to be and ſtill is in the actual exerciſe thereof, and further informing the court that the ſaid Thomas Jee, together with the other defendant William Dunn, who is another officer of exciſe, did on the firſt day of July 1789, ſeize to the uſe of his majeſty as forfeited, at Hawley's Wharf, within the port of London, two thouſand five hundred and ſeventy-one pounds of looſe ſtarch, which they ſince returned in an indenture of appraiſement unto this honourable court for condemnation, and that the plaintiff had commenced an action againſt the defendants in his majeſty's court of common pleas for making ſuch ſeizure, and had delivered a declaration therein, and that the cauſe of ſuch action was only upon account of ſuch ſeizure and no other: It was therefore prayed that the action ſo commenced by the plaintiff in his majeſty's court of common pleas againſt the defendants may be removed from thence into the office of pleas of this court, and that all further proceedings might be ſtaid until the ſeizure in queſtion be firſt determined: Whereupon and on reading the affidavit of the defendant Thomas Jee, and the declaration thereto annexed, and alſo the affidavit of Thomas Miller of ſervice of notice of this motion on A. B. the plaintiffs attorney in the ſaid action, it is ordered by the court that the ſaid action be removed as prayed, and all further proceedings therein ſtayed, until after a trial ſhould be had of the ſeizure in queſtion in this court, and that the plaintiff W. W. be, and he is hereby enjoined from proceeding any further in the ſaid action in the ſaid court of common pleas, or in this court till after ſuch trial had as aforeſaid.

ELLIOT.

To

Notice of action for entering a dwelling house, starch house, and premises, making a noise, and disturbance, digging holes, &c.

24. G. 3. c. 70.

To John Saunders, Thomas Groves, and Robert Assin.

I DO hereby, as attorney of and for Mr. John Tye, of, &c. in, &c. starch-maker (according to the statute in that case made and provided), give you notice of his intention to bring, and that he will by me his attorney, at or soon after the end of one calendar month from your being served with this notice, bring an action against you in his majesty's court of common pleas, at Westminster, for your having on or about the fourteenth day of, &c. forcibly entered into his dwelling house, starch house, and premises, situate at, &c. in, &c. and made a noise and disturbance therein for a long time, to the interruption of the said Mr. John Tye and his family, and during that time with pickaxes and other instruments dug up the pavement of the starch house and three hogsties of the said John Tye, situate as aforesaid, and with certain iron instruments perforated and made divers holes and pits therein, and dug up the floor of a certain stove house of the said John Tye, situate as aforesaid, and otherwise much damaged the same, and the coals and other things of the said John Tye in the said premises tossed and threw about, and trampled upon and destroyed the vegetables and shrubs growing in the said garden of the said John Tye, situate as aforesaid, and seized, took, and carried away, divers vegetables and shrubs there growing, and also broke and entered into the said dwelling house, and with an iron crow and other instruments broke open several doors of the said John Tye in his said dwelling house, and the locks, bolts, or hinges wherewith they were fastened tore to pieces and destroyed, and the wainscoting and floors of these rooms with cutlasses, swords, and bayonets, pierced, cut, and broke to pieces, and continued in the said dwelling house a long time rummaging, searching, and examining the beds, drawers, boxes, and other furniture and things therein being, and threw, tumbled, and tossed such furniture from place to place; and also for your having affrighted and ill-treated the wife of the said John Tye, whereby she became sick and disordered, and also assaulted and ill treated him the said John Tye, and levelled and brandished pistols, cutlasses, bayonets, and other dangerous and offensive weapons at, against, and towards him the said John Tye, and threatened to shoot him therewith, to the great terror, apprehension, danger, and fright of the said John Tye, and whereby he the said John Tye was hindered and prevented from selling to one A. B. divers hogs, which he was about to sell and dispose of, and whereby he the said John Tye was further hindered and prevented from following and carrying on his business, and considerably hurt in his credit and reputation, and whereby one T. C. forthwith called upon and obliged the said John Tye to pay certain arrears of rent sooner than he would otherwise have been obliged to discharge the same. Dated this seventeenth day of April 1789.

Yours, &c. A. B.
Attorney for the above-named John Tye.

In

In the exchequer.

TYE, plaintiff,

against

SAUNDERS, GROVE, and ASLIN, defendants.

Sir,

Take notice that this honourable court will be moved on Friday next, or as ſoon after as counſel can be heard, that the action above mentioned, brought in his majeſty's court of common pleas, at Weſtminſter, may be removed from thence into the office of pleas of this court, the defendants being officers of his majeſty's revenue of exciſe, and being ſued in the ſaid action for a treſpaſs (if any) committed by them in the execution of their duty as ſuch officers. Dated this third day of November 1789.

Notice of applying to have this cauſe removed into the exchequer.

E. W.

for the above-named defendants.

To A. B. attorney or agent for the plaintiff.

George the Third, &c. to John Tye and your attorney and ſolicitor, greeting: We firmly enjoin you and every of you, that all excuſes ceaſing, immediately after the receipt of this our writ or notice, thereof by you or either of you had, you do perform, execute, and fulfil all and ſingular the matters and things which are required to be by you done, performed, executed, and fulfilled in and by a certain order made by the barons of our exchequer, at Weſtminſter, this day (the tenor whereof is hereunto annexed), according to the true intent and meaning of the ſaid order, and hereof you are not to fail on pain of one hundred pounds, which we ſhall cauſe to be levied on your goods and chattels, lands and tenements, to our uſe, if you neglect to obey this our command. Witneſs, Sir James Eyre, knight, at Weſtminſter, this ſeventh day of November, in the thirtieth year of our reign. By the ſaid order made the ſame day and by the barons,

Subpœna, and order for removal.

ELLIOT.

It is found in a certain book of orders of this exchequer, of Michaelmas term, in the thirtieth year of the reign of his preſent majeſty king George the Third, remaining in the cuſtody of his ſaid majeſty's remembrancer, (among other things) as follows:

Saturday, the ſeventh day of November 1789. Touching an action brought by John Tye againſt John Saunders, Thomas Groves, and Robert Aſlin.

Upon the motion of Mr. Partridge, one of his majeſty's counſel on behalf of the above-named J. S. T. G. and R. A. informing the court that the ſaid J. S. T. G. and R. A. were officers of exciſe, and that the ſaid John Tye had commenced an action againſt them as ſuch officers of exciſe in his majeſty's court of common pleas, as by the declaration ſerved on them appeared; it

was

was therefore prayed that the ſaid action might be removed out of the ſaid common pleas into the office of pleas of this court, and be in the ſame forwardneſs in this court as in the ſame court of common pleas; on reading the affidavit of the ſaid T. G. and the declaration hereto annexed, it is ordered by the court that the ſaid action be, and the ſame is hereby removed out of the ſaid court of common pleas into the office of pleas of this court, and that the ſame be as forward in the ſaid office of pleas as the ſame now is in the ſaid court of common pleas; and it is further ordered that the ſaid John Tye be, and he is hereby enjoined and commanded not to proceed any further in the ſaid action in the ſaid court of common pleas.

ELLIOT.

Declaration (againſt officers of exciſe for breaking and entering plaintiff's dwelling houſe, outhouſes, &c. making a noiſe and diſturbance therein, breaking open doors, locks, &c. ſearching the beds, drawers, toſſing about the furniture, aſſaulting defendant and his wife, tearing up the pavement of plaintiff's hogſties, trampling upon and deſtroying vegetables, whereby defendant was hindered in his buſineſs; his wife became ſick, and he alſo prevented from ſelling his hogs, &c.

Middleſex, to wit. Thomas Groves, late of Weſtminſter, in the county of Middleſex, inſpector of exciſe, John Saunders, late of the ſame place, officer of exciſe, were attached to anſwer John Tye in a plea of treſpaſs; wherefore they the ſaid Thomas, J. Saunders, and Robert, at the pariſh of Saint Mary-le-bone, in the ſaid county of Middleſex, with force and arms, &c. broke and entered certain premiſes of the ſaid J. Tye, there ſituate, lying, and being, conſiſting of a meſſuage or dwelling houſe, ſtarch houſe, ſtove-houſe, yard, garden, and divers outhouſes and hogſties, at and in which ſaid premiſes the ſaid John Tye then dwelt and reſided, and exercised and carried on his trade and buſineſs of a ſtarch-maker, and ſtaid and continued in and upon the ſaid premiſes for a long ſpace of time, and during all that time made a great noiſe and diſturbance therein, and alſo during that time with pickaxes, iron crows, and other inſtruments broke open, damaged, and injured divers doors of and belonging to the ſaid meſſuage or dwelling houſe, and to the rooms and apartments thereof, together with the locks, bolts, hinges, and faſtenings wherewith the ſame were reſpectively locked, ſhut, and faſtened; and there ſearched and examined the ſaid rooms and apartments, and the beds, drawers, boxes, and other furniture of him the ſaid John Tye therein being, and there threw, tumbled, and toſſed about the ſame, and there in and upon the ſaid houſe and premiſes of the ſaid John Tye aſſaulted and ill treated him the ſaid John Tye and Mary his wife, and levelled and brandiſhed piſtols, cutlaſſes, bayonets, and other dangerous and offenſive weapons at, againſt, and towards him the ſaid John Tye, and threatened to ſhoot him therewith, and there dug up, tore up, and damaged the pavement in and of the ſaid ſtarch houſe and hogſties of him the ſaid J. Tye, and there made divers holes and pits therein, and alſo then dug up and damaged the floor and other parts in and of the ſaid ſtove houſe of the ſaid John Tye, and the coals and other things of the ſaid John Tye there then found and being toſſed and threw about, and there trampled

trampled upon and deſtroyed the vegetables and ſhrubs growing in the ſaid garden of the ſaid J. Tye of a large value, and ſeized, took, and carried away divers other vegetables and ſhrubs there alſo growing and being of a large value; whereby and by reaſon of which ſaid ſeveral premiſes he the ſaid John Tye and his family were greatly terrified, affrighted, and alarmed, and his ſaid wife became and was for a long time rendered ſick and indiſpoſed, and the ſaid J. T. was actually interrupted and diſturbed in the poſſeſſion and occupation of his aforeſaid premiſes, and in the exerciſe of his aforeſaid buſineſs of a ſtarch-maker, but was alſo hindered and prevented from ſelling to one Bird divers hogs which he was then and there about to ſell and diſpoſe of, and which the ſaid B. would otherwiſe have bought of him, and one James Twaites forthwith called upon and obliged the ſaid John Tye to pay certain arrears of rent ſooner than he would otherwiſe have done: And alſo wherefore they the ſaid Thomas, J. S. and R. with force and arms, &c. at the pariſh aforeſaid, in the county aforeſaid, broke and entered certain other premiſes of the ſaid J. T. conſiſting of a dwelling houſe, yard, garden, and divers other outhouſes, erections, and buildings, ſituate, lying, and being in the pariſh and county aforeſaid, and there made a great noiſe and diſturbance therein, and ſtaid and continued therein making ſuch noiſe and diſturbance therein for a long ſpace of time, and during that time broke open and damaged divers doors in, of, and belonging to the ſaid laſt-mentioned premiſes, and ſearched and examined the ſame and the rooms and apartments thereof, and alſo there dug up, tore up, injured, and damaged the floors, wainſcotings, and pavements, in and of the ſaid premiſes, to the great interruption and diſturbance of him the ſaid John Tye and his family in the poſſeſſion and occupation of the ſaid laſt-mentioned premiſes: And alſo wherefore they the ſaid Thomas, John Saunders, and Robert, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, made another aſſault on the ſaid John Tye, and there again beat, bruiſed, wounded, and ill treated him, and there again threatened and menaced him with death and bodily hurt and injury: And alſo wherefore they the ſaid Thomas, John Saunders, and Robert, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, ſeized, took, and carried away divers other goods and chattels of the ſaid John Tye there then found, and being of a large value: And alſo wherefore they the ſaid Thomas, J. S. and Robert, with force and arms, &c. at the pariſh aforeſaid, in the county aforeſaid, with force and arms, &c. broke and entered a certain other meſſuage or dwelling houſe of the ſaid John Tye, there ſituate, and there made another aſſault on the ſaid Mary, the wife of him the ſaid John Tye (ſhe the ſaid Mary then and there being pregnant and with child), and there again beat, bruiſed, wounded, and ill treated her, and there threatened and menaced her with bodily hurt and injury, whereby the ſaid Mary became and was for a long time ill and indiſpoſed, and was ultimately delivered

2d Count nearly ſame as the 1ſt, not ſtating ſpecial damage.

3d Count, for an aſſault on defendant.

4th Count, ſeizing and carrying away vegetables.

5th Count, for an aſſault on plaintiff's wife, being pregnant, who in conſequence thereof was delivered of a dead child.

vered of a dead child; by means thereof the ſaid John Tye long time loſt and was deprived of her ſociety and aſſiſtance was put to great expence about her cure, and other wrongs the ſaid John Tye there did, againſt the peace of our ſaid the king, and to the great damage of him the ſaid John Tye.

Declaration.

And thereupon the ſaid J. Tye by A. B. his attorney, complains for that the ſaid Thomas, John Saunders, and Robert heretofore, to wit, on the fourteenth day of April, in the year of our Lord 1789, in the pariſh of Saint Mary-le-bone, in the county of Middleſex aforeſaid, with force and arms, &c. broke and entered certain premiſes of the ſaid John Tye, there ſituate, lying and being, conſiſting of a meſſuage or dwelling houſe, ſtarch houſe, ſtove houſe, yard, garden, and divers, to wit, five outhouſes and three hogſties (at and in which ſaid premiſes the ſaid J. Tye then dwelt and reſided, and exerciſed and carried on his trade and buſineſs of ſtarch-maker), and ſtaid and continued in and upon the ſaid premiſes for a long ſpace of time, to wit, for the ſpace of twelve hours, and during all that time made a great noiſe and diſturbance therein, and alſo during that time there with pickaxes, iron crows, and other inſtruments broke open, damaged, and injured divers, to wit, ten doors of and belonging to the ſaid meſſuage or dwelling houſe, and to the rooms and apartments thereof, together with the locks, bolts, hinges, and faſtenings wherewith the ſame were then and there reſpectively locked, ſhut, and faſtened, and then and there ſearched and examined the ſaid rooms and apartments, and the beds, drawers, boxes, and other furniture of him the ſaid John Tye therein being, and then and there therein tumbled and toſſed about the ſame, and then and there in and upon the ſaid houſe and premiſes of the ſaid John Tye aſſaulted and ill treated him the ſaid J. Tye and Mary his wife, and then and there levelled and brandiſhed piſtols, cutlaſſes, bayonets, and other dangerous and offenſive weapons at, againſt, and towards him the ſaid John Tye, and threatened to ſhoot him therewith, and then and there dug up, tore up, and damaged the pavement in and of the ſaid ſtarch houſe and hogſties of him the ſaid John Tye, and then and there made divers, to wit, five holes and five pits therein, and alſo then and there dug up and damaged the floor and other parts in and of the ſaid ſtarch houſe of the ſaid J. Tye, and the coals and other things of the ſaid J. Tye there then found and being, toſſed and threw about, and then and there trampled upon and deſtroyed divers, to wit, five hundred vegetables and five hundred ſhrubs growing in the ſaid garden of the ſaid John Tye of a large value, to wit, of the value of fifty pounds, and then and there ſeized, took, and carried away divers, to wit, five hundred other vegetables and five hundred other ſhrubs then and there alſo growing, and being of a large value, to wit, of the value of fifty pounds; whereby and by reaſon of which ſaid ſeveral premiſes he the ſaid John Tye and his family were greatly terrified, affrighted, and alarmed, and his ſaid wife became and was for a long time, to wit,

wit, for the space of three months rendered sick and indisposed, and the said John Tye was not only interrupted and disturbed in the possession and occupation of his aforesaid premises, and in the exercise of his aforesaid business of a starch-maker, but was also then and there hindered and prevented from selling to one Bird divers hogs which he was then and there about to sell and dispose of, which the said Bird would otherwise have bought of him the said John Tye, and one James Twaites forthwith called upon and obliged the said John Tye to pay certain arrears of rent sooner than he otherwise would have done, to wit, at the parish aforesaid, in the county aforesaid: And also for that the said Thomas, John Saunders, and Robert heretofore, to wit, on the day and year aforesaid, in the parish aforesaid, in the county aforesaid, with force and arms, &c. broke and entered certain other premises of the said John Tye, there situate, lying, and being, consisting of a dwelling house, yard, garden, and divers other outhouses and buildings, and then and there made a great noise and disturbance therein, and then and there staid and continued therein, making such noise and disturbance therein for a long space of time, to wit, for the space of twelve hours, and during all that time last mentioned there broke open and damaged divers, to wit, ten doors in, of, and belonging to the said last-mentioned premises, and then and there searched and examined the same, and the rooms and apartments thereof, and also then and there dug up, tore up, injured, and damaged the floors, wainscots, hinges, and pavements in and of the said premises, to the great interruption and disturbance of him the said John Tye and his family in the possession and occupation of the said last-mentioned premises: And also for that they said John, Thomas, and Robert heretofore, to wit, on the day and year aforesaid, in the parish aforesaid, in the county aforesaid, with force and arms, &c. made another assault on the said John Tye, and then and there again beat, bruised, wounded, and ill treated him, and then and there again threatened and menaced him with death and bodily hurt and injury: And also for that they the said Thomas, John Saunders, and Robert heretofore, to wit, on the day and year aforesaid, in the parish aforesaid, in the county aforesaid, with force and arms, &c. seized, took, and carried away divers other goods and chattels, to wit, five hundred vegetables and vegetable roots, and five hundred shrubs of the said John Tye there then found and being of a large value, to wit, of the value of fifty pounds: And also for that the said Thomas, John Saunders, and Robert heretofore, to wit, on the day and year aforesaid, in the parish aforesaid, in the county aforesaid, broke and entered a certain other messuage or dwelling house there situate, and then and there made another assault on the said Mary, the wife of him the said John Tye (she the said Mary then and there being pregnant and with child), and then and there again beat, bruised, wounded, and ill treated, and then and there threatened and me-

2d Count.

3d Count.

4th Count.

5th Count.

naced her with bodily hurt, whereby and by reason of which said several premises she the said Mary, the wife of the said John Tye, became and was for a long time, to wit, for the space of six months, sick, ill, and indisposed, and was ultimately delivered of a dead child, to wit, at the parish aforesaid, in the county aforesaid; and by reason thereof he the said John Tye for a long time, to wit, for and during all the time last aforesaid, lost and was deprived of her society and assistance, and was put to great expence, to wit, the sum of fifty pounds in and about her cure, and other wrongs to the said John Tye then and there did, against the peace of our said lord the king, and to the damage of him the said John Tye of two thousand pounds; and therefore he brings his suit, &c.

END OF THE FOURTH VOLUME.